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The Solicitors' Journal.

LONDON, AUGUST 31, 1867.

THE DECISION of Lord Chelmsford in *Seagram v. Knight*, reported in last week's *Weekly Reporter*, has occasioned much surprise in the profession. It had always been supposed to have been settled beyond doubt that, after the Statute of Limitations has once begun to run, its operation cannot be suspended. So Mr. Broom, in his commentaries, estimates the result of such decisions as there are bearing on the subject; and so Lord Abinger, in an *obiter dictum* in *Rhodes v. Smethurst*, supposed the law to be; indeed, so little doubt has been felt on the point that it seems to have been scarcely ever fairly raised before the courts. Now, however, Lord Chelmsford has definitely decided that the operation of the statute, after it has begun to run, can be suspended, in the case where the person who has a claim on another for a tortious act committed by the latter dies, and administration to his estate is taken out by the other.

This decision appears to have been somewhat by misadventure, if we may venture to use the expression. The case was one in which an appeal was made from a decree of the Master of the Rolls, upon a bill praying an account of certain timber felled by a tenant for life impeachable for waste. Lord Chelmsford stopped the counsel for the respondents, who were also the defendants, and delivered judgment, deciding that, as regarded a portion of the claim, the statute had barred the remedy, but that, as regarded the remainder, its operation had been suspended in the manner above mentioned; and his Lordship grounded this view upon two very old cases—one in Coke and the other in Salkeld—in which it was laid down that where administration of the goods of a creditor is committed to a debtor, this works, not an extinction of the debt, but a suspension of the remedy. No doubt it is very hard that the remedy should be suspended and yet the statute run on, but these cases afford, we think, no authority for holding a suspension of the operation of the statute. The respondents' counsel, finding at the conclusion of the judgment that it did not give them all they had contended for, were placed in a rather singular position. The appellants' counsel had been heard, and, without being heard themselves, they had had judgment given against them upon a part of their contention. By way of a sort of reply after judgment, they proceeded to "mention" *Rhodes v. Smethurst*, but Lord Chelmsford, after reading the remarks of Lord Abinger, to which his attention was directed, said that his opinion was the same, though not, perhaps, as strong as before. Possibly, had the respondents' counsel been heard, the decision upon the point of law would have been the other way. The case is certainly a very singular one, and will be noticed in its proper place, among our "Recent Decisions."

THE DECISION of the Court of Chancery Appeal in Ireland in *Re Walsh's Estate*, reported 15 W. R. 1115, is one of great importance both to the profession and to the public. The facts of the case are shortly these:—On the

5th of July, 1866, certain household property in the city of Dublin was set up for sale by the Landed Estates Court, in two lots. A Mr. Redmund purchased lot 1, of which he was previously lessee, and a Mr. Wren purchased lot 2, and obtained his conveyance on the 28th July, 1866. It appeared that Mr. Redmund was also a sub-lessee of part of lot 2, but this sub-lease was not set out in the rental nor in any way referred to in the conveyance to Mr. Wren, which conveyance exactly described the premises as in the rental. Mr. Redmund believed that he had purchased all the premises of which he was tenant, and on discovering that a portion of them was included in Mr. Wren's conveyance, he applied to the Court for an order that the purchaser should bring back into court his conveyance to have it rectified. It was admitted that Mr. Wren knew nothing of the proceedings previous to the sale, but that, attracted by an advertisement in the public papers, he walked into the auction room, paid his money, and left with the conveyance in his pocket. There was no allegation of fraud on his part, and the mistake which occurred was the mistake either of the judge or of the solicitor having the carriage of the sales. The mistake having been brought before Judge Dobbs, he made an order directing Mr. Wren to bring back his conveyance to have it rectified, and from that order the appeal in question was brought.

In support of the order of the Court below it was contended that under the 31st section of the 21 & 22 Vict. c. 72, the Landed Estates Court had all the powers of a court of equity, and that, therefore, it could deal with its own conveyances, just as a court of equity might vary or rescind a contract of sale. The Lord Chancellor held that the order of the Court below should be reversed, for that a conveyance once executed was irrevocable. In this opinion the Lord Justice of Appeal concurred, and his Lordship was of opinion that in reversing the order of Judge Dobbs, he was conferring "a boon upon the Landed Estates Court by removing from its records an order fraught with future mischief and inefficiency in its working."

The highest Court in Ireland has now set its seal on the indefeasibility of a Landed Estates Court title. By mistake the property of a third party had been conveyed; yet, when once the conveyance was made, no court could set it aside.

A VERY curious instance of cause and effect may be found in the evidence given before the select committee on juries, to which we referred last week. We should not at first sight expect to find any connection between the price of money in the city and the number of cases entered in each day's list for trial at the Westminster and Guildhall sittings. One is apt to think that the same amount of work can be done in a day by judge, jury, and counsel, whether money be dear or cheap. But Mr. Erle, the Associate of the Common Pleas, tells us that there is a close connection between the two things, and he explains the reason very clearly.

"When money is scarce in the city, or, in other words, when the rate of interest is high, the daily lists sometimes have to contain as many as nine or ten causes. It is a great advantage to the defendant not to be made to pay immediately, and so the causes are kept in the list till the last possible moment; that is to say, the defendant does not give in till the last moment. I have found by experience that when money is at high interest in the city the cause lists have usually to be very long."

AT THE MANSION-HOUSE, on Monday last, a gentleman was summoned, under one of the bye-laws of the South-Eastern Railway Company, "for having unlawfully, with a key or other instrument, unlocked one of the carriages of the company at the Cannon-street Station." It appeared that the accused had unlocked the door of a carriage in which he was to travel, and stepped in. The presiding magistrate expressed some surprise at hear-

ing a person charged before him for doing an act which he himself, like all habitual travellers, was in the habit of doing daily. In fact, until Lord St. Leonards succeeds in carrying his bill prohibiting the dangerous and inconvenient practice of locking the doors of carriages in which passengers are travelling, no one can safely travel without a key, and people who have keys will certainly use them. But though no one had ever heard or dreamed of such a bye-law before, its existence was clearly established, and as it had equally clearly been broken, a fine of one shilling and costs was imposed.

But what is to be said of such a bye-law; let us hear Mr. Brown (who appeared for the company)—

"Mr. Brown said that he believed the South-Eastern Railway Company was the only one that had framed a bye-law to meet such a case. They were, however, authorised to do so under their Act of Parliament, and it was essentially necessary, at a station like that of Cannon-street, that it should be enforced, as, on account of the number of trains and the different directions in which they travelled, unless passengers inquired of the railway officials which carriage they were to get into, they might be put to very great inconvenience, and taken to a totally different destination to that to which they desired to get to."

Now, in the name of common sense, to what length is this nursing system to be carried? If people choose without inquiry to get into the wrong train, the proper penalty is that they are carried to the wrong place, a far more effectual penalty than the chance of a few shillings fine. If people are left to their common sense they will use their common sense; if they are treated like babies they will behave like babies. It would be much better if the companies would leave passengers to guard themselves against inconveniences which are entirely within the passengers' control, and would devote their own energies to guarding against dangers which passengers are powerless to avert, by providing proper communication between the various parts of the train, and the many other securities for which the public have been vainly waiting for so long.

THE RITUAL COMMISSION has agreed upon its first report. The report is very short, and to a lawyer, very puzzling. The only passage in it expressing any definite conclusion is as follows:—

"We are of opinion that it is expedient to restrain in the public services of the United Church of England and Ireland all variations in respect of vesture from that which has long been the established usage of the said United Church, and we think that this may be best secured by providing aggrieved parishioners with an easy and effectual process for complaint and redress.

"We are not yet prepared to recommend to your Majesty the best mode of giving effect to these conclusions, with a view at once to secure the objects proposed, and to promote the peace of the Church, but we have thought it our duty," &c.

Now the first clause of what we have quoted is conceivably capable of two meanings. It may possibly mean that by the law as it now stands all variations in respect of vesture from the established usage are illegal, and that it is expedient to put the law against them in force. But if the Commissioners meant this they would probably have said so in plain words. Secondly, the words may mean, and they were probably intended to mean, that such variations in vesture ought to be made illegal. But then what are we to make out of the next clause, which says that the object may be best secured by providing an easy and effectual process for complaint and redress? How can a defect, or at least an uncertainty, in the substantive rules of law be cured by an improvement in procedure? It is idle to provide remedies for "aggrieved parishioners" unless you first decide when a parishioner is "aggrieved."

WE BELIEVE we are safe in stating that, after the

usual delay, the usual unseemly conflict of claims and interests and influences, the usual paper warfare and newspaper wrangling, another batch of Irish law appointments is completed. It is told of the late Lord Macaulay that he used to train and exercise his marvellous memory by such efforts as repeating the complete list of the popes, or the names of the senior wranglers since senior wranglers began. If any ambitious person is anxious to attempt a similar feat, we advise him to try to recount from memory the Irish law appointments during the last fifteen months; or, if this is not enough, let him add the retirements. It would, of course, be rash, after recent experience, to assume that because any learned gentleman filled a post yesterday, he fills it to-day. But we believe that yesterday Mr. Warren, Q.C., held the office of Attorney-General with its appurtenances, including a seat in Parliament, for the University of Dublin; and that Mr. Harrison, Q.C., was Solicitor-General. Other appointments, too numerous to mention here, have been chronicled in another column.

THE RIGHT HON. HEDGES EYRE CHATTERTON, who was sworn in as Vice-Chancellor of Ireland, on the 22nd inst., is the eldest son of the late Abraham Chatterton, Esq., of Cork, by the daughter of the Rev. Fitzgerald Tisdall, rector of Kenmare. He was born in 1819, and was educated at Cork and at Trinity College, Dublin, where he received a scholarship in 1839. He graduated B.A. in 1841, obtaining a moderatorship in logic and ethics, and received the degree of LL.D. in 1850, from Dublin University. He was called to the bar in Ireland in Hilary Term, 1843, and was appointed a Queen's Counsel in May, 1858. In November, 1866, Mr. Chatterton was appointed Solicitor-General for Ireland, and became Attorney-General in the early part of the present year, when he was sworn a member of the Irish Privy Council. He was elected M.P. for the University of Dublin in February last. The right-hon. gentleman married, in 1845, Mary, daughter of the Rev. William Hallaran, M.A., Prebendary of Cloyne.

JURISDICTION OF THE COURT OF CHANCERY TO RESTRAIN AN APPLICATION TO PARLIAMENT.

It is well settled that the Court of Chancery has jurisdiction, in enforcing a contract between two parties, to restrain one of them from making an application to Parliament, and yet this jurisdiction, which the Court undoubtedly possesses, is one which it has persistently refused to exercise. Many months must now elapse before there can be any chance of such an application being again made to the Court; our readers may still, however, be glad to read up at their leisure the full particulars upon the point.

Upon the earliest applications to the Court of Chancery for an injunction to restrain a party from applying to Parliament, it was objected that such an application amounted to an attempt to restrain the proceedings of Parliament by injunction. This contention was set up in *Ware v. The Grand Junction Waterworks Company*, 2 Russell & My. 483 (the first case, we believe, in the books, upon the subject), and was very shortly disposed of by Lord Brougham. Lord Cottenham, in giving judgment in the *Stockton and Hartlepool Railway Company v. The Leeds and Thirsk and the Clarence Railway Companies*, 2 Phill. 670, expressed his satisfaction at no question having been raised as to the jurisdiction of the Court to grant such an injunction. In that case the application happened to be for an injunction to restrain a party from petitioning Parliament against the passing of a bill. Upon the question of jurisdiction there is, of course, no distinction between an injunction to restrain from petitioning against the passing of a bill, and an injunction to restrain from introducing a bill; in each case the restraint is upon an application to Parliament. That the Court of Chancery has jurisdiction to restrain

such an application has now been for many years an undisputed principle. As Vice-Chancellor Wood remarked in *The Lancaster and Carlisle Railway Company v. The North-Western Railway Company*, 4 W. R. 220, 2 K. & J. 303, following out the observations of Lord Cottenham in the second of the cases above cited, the Court has the same jurisdiction to restrain an application to Parliament as it has to restrain proceedings at common law. The authority exercised by such a proceeding is *in personam*, and is no interference with the authority of the other power. The latter jurisdiction—the jurisdiction to restrain proceedings at common law—has come to be very commonly exercised, since the celebrated case before Lord Ellesmere, by which it was established; but as to the other, although many judges have asserted the jurisdiction to restrain an application to Parliament, no case, we believe, has occurred in which the Court has actually granted such an injunction.

The case of *Attorney-General v. Manchester and Leeds Railway Company*, 1 Rail. Cas. 436, would have been a very strong case for the interference of the Court, if the petition had not been presented and actually entertained by Parliament. There an undertaking had been given to the Court to leave certain matters in *statu quo* until the hearing of the cause then pending before the Court, and in the meantime the parties who had given the undertaking inserted in a bill before Parliament a clause liberating them from its effects. Lord Cottenham commented severely upon this conduct as amounting to a direct breach of the undertaking, but said that, the application having been entertained by either House, the bill became the Act of the House and not of the party. The Court, therefore, could not interfere. Lord Cottenham did not go into the question whether or no he would have granted an injunction if this circumstance had been otherwise. It may, perhaps, be thought, upon a hasty consideration, that the Court might as well restrain an application already entertained by Parliament as an action actually commenced at common law, or the issue of execution on a judgment obtained at common law. But the distinction will appear at once when it is considered that the province of the Court of Common Law (as Lord Cottenham put it in *Heathcote v. The North-Shropshire Railway Company*, 2 Mac. & G. 109) is to enforce legal rights, and that of Parliament to abrogate existing rights. The Court of Equity has, therefore, jurisdiction to stay proceedings at common law whenever they intrude upon equity by effecting that which is (technically) inequitable. Where the common law proceeding clashes with the rules of the Court of Equity, the former gives way. But Parliament is a supreme authority, to which either Court must bow, and, therefore, if either House of Parliament has actually entertained an application to annul a right recognised by the Court of Equity, that Court is powerless to interfere.

It seems questionable whether there really is any ground upon which the Court will interfere to restrain an application to the Legislature. As Lord Cottenham said, such an injunction "cannot be granted upon the ground that the Act applied for would interfere with existing rights, it being the very object of it to do so." Then, suppose that the party proposing to apply to Parliament has previously entered into a contract containing a stipulation not to do so. That contingency was considered by Vice-Chancellor Wood in *The Lancaster and Carlisle Railway Company v. The North-Western Railway Company* (*ubisup.*), and his Honour came to the conclusion that the Court ought not to interfere, but should leave Parliament to deal with the matter. And, indeed, it being admitted that anyone may apply to Parliament for power to avoid even the most solemn contract, if that contract include a further contract to make no such application, such further contract is still subject to the principle just admitted, and so would a series of contracts be, even if extending *ad infinitum*.

After remarking thus at length upon the general

principle, we need not dwell upon the latest case on the subject, that of *Steel v. The North Metropolitan Railway Company*, 15 W. R. 597. It was not so strong a case as others in which the injunction has been refused. The plaintiff had withdrawn his opposition to the North Metropolitan Railway's Bill upon an agreement with the promoters that a clause should be inserted in the bill binding the company, if required by him within three years, to purchase his property affected by their undertaking, or, at his option to compensate him in damages. A clause to this effect was inserted in the bill, which became law. The agreement, it may be observed, did not contain any stipulation that the company should not apply to Parliament to annul the effect of the contract. The Act authorised the construction of nine lines of railway, two only of which would interfere with the plaintiff's property. Subsequently the company proposed to vary their undertaking by substituting another route for the two lines in question. For the purposes of this route the plaintiff's property would not be required, and the company were about to apply to Parliament for an Act authorising the variation and repealing the clause inserted in pursuance of their agreement with the plaintiff, when the letter filed his bill for an injunction. Lord Chelmsford dismissed the bill without calling on the counsel for the defendants, tersely remarking, in conclusion, "I am told by judges of great eminence that we have power to interfere by injunction, but they all decline to define the occasion which would justify such an interference, and even express an opinion as to the difficulty of conceiving a case in which a party could be so restrained. Although, with my predecessors, I assert the right to grant an injunction in a proper case, like them I will not define my power, but will simply say that this is not a case in which I think I ought to interfere."

Applications of this nature have been few and far between, the result has been discouraging to those contemplating such applications, and Lord Chelmsford has certainly not shown any more encouragement than his predecessors. If the Court were to grant the injunction, the case would at once be closed against the party proposing to petition Parliament; if the injunction be refused, the party who asked it can still be heard before the committee upon the bill, and the court of course presumes that the committee will duly weigh his interests, and compensate him in damages or reject the bill, if proper. Perhaps many persons would prefer trusting the impartiality of the Court of Chancery to confiding in that of a select committee appointed to sit on a railway bill. However that may be, it is easy to understand the reluctance of the Court to do otherwise than leave the matter open. To compare small things with larger ones, a similar policy actuates the court upon the hearing of opposed applications to seal patents. If the application be refused, the inventor is altogether shut out; if it be granted, the opponent will have opportunities of raising his own case.

THE LAW OF LIBEL.—I.

If the laws of each age were framed systematically by the men of that age, no branch of law would be more instructive than the law of libel. Its object is, on the one hand, to defend the state or the public from dangerous attacks, and protect individuals from what are, in an age of refinement, the worst of all outrages, outrages upon character; and on the other hand to do this without sacrificing freedom of thought and expression in matters of speculation, or the benefits of public discussion in matters practical. The estimate formed by the Legislature of the relative importance of these several objects, and the degree of success attained in reconciling them would be an admirable measure of the culture, the liberality, and the practical ability, of the age. But the English law of libel is not the deliberate product of the 19th century, or of any other one period.

Like many branches of our law it originated in a few arbitrary rules of doubtful origin, and has grown up in a hap hazard kind of way, developed in this direction or in that, according to the accidents of individual cases, the changes of politics, and the temper of the judges, while it has been further complicated by the occasional intervention of the Legislature with statutes extending or restricting the common law rules. The result is that no branch of our law is more full of actual doubts and difficulties, or of meaningless and grotesque anomalies. And, what is more important still, there is none which works more frequent or more cruel injustice.

We propose in this and the succeeding articles to consider the law of libel in its several branches, to ascertain, as far as possible, what the law as to each is, on what principle it rests, and to examine how far the actual law is in accordance with the principles on which it professes to be based, and with practical convenience. And we use the word libel in its widest sense (a use fully warranted by authority) as including mere oral publications as well as those made in writing or by other permanent symbols.

The two objects of all libel laws are to protect the public from danger, and individuals from injury. The first of these objects is sought to be attained by making publications criminal, the second by making them the ground of civil actions; and as some publications are thought to be dangerous to the State as well as injurious to individuals, they are both crimes and actionable wrongs. Libellous publications, therefore, naturally divide themselves into two classes: first, those which are offences against the state alone, and, secondly, those which are injurious to individuals, though they may be crimes against the State also.

Of libels which are offences against the State alone there are three principal classes: publications against religion, or blasphemous libels; publications offensive to decency and dangerous to public morality, or obscene libels; and publications against the sovereign, the state, or its officers, seditious libels. We shall treat these in their order.

Blasphemy is a common law misdemeanour. "All blasphemies against God or the Christian religion, or the Holy Scriptures, are indictable at common law;" but the common law furnishes us with no definition of blasphemy, and therefore to ascertain the elements of the offence we must go by steps. First, then, there must be a publication, but the publication may be by any mode, mere words as well as writing. Secondly, the matter published must be of a certain character. It must consist of words "against the Almighty, denying his being or providence, or contumelious reproaches of our Lord and Saviour Christ; or profane scoffing at the Holy Scripture, or exposing it to contempt and ridicule." Such is Blackstone's description of blasphemy, and [it is sufficient for practical purposes, for upon this point no great difficulty is likely to arise. But there is a third element in the crime, the words must be spoken "maliciously." Now what is the meaning of malice? Does it mean an intention knowingly to injure others, to affront, mislead, or demoralize them, some design other than the mere propagation of what the speaker or writer believes to be the truth? Or may malice consist in a *bona fide* intention to do something which the accused believes to be useful, but which the law holds to be injurious? Is an honest and conscientious endeavour to disprove the authority of the Bible, or the existence of a God, a malicious intention sufficient to constitute blasphemy? In other words, are there any propositions which it is necessarily blasphemous to maintain, any opinions which the law forbids men to assert? This is a question of some difficulty, and the authorities are not altogether in harmony.

On the one hand in the case of Naylor (5 St. Tr. 826), Lord Commissioner Whitelocke thus distinguishes between heresy and blasphemy:—"Heresy is *crimen judicij*,

an erroneous opinion; blasphemy is *crimen malitiae*, reviling the name and honour of God." And from the whole tenor of his speech it was plainly his view that no opinion honestly expressed could be blasphemy. Blackstone's words tend to support the same opinion:—"Rational and dispassionate discussions of the rectitude and propriety of the established mode of worship" are, according to him, lawful. Mr. Starkie, in his work on Libel (vol. 2, p. 147), says: "The law visits not the honest errors but the malice of mankind. A wilful intention to pervert, insult, and mislead others, by means of licentious and contumelious abuse applied to sacred subjects, or by wilful misrepresentation or artful sophistry, calculated to mislead the ignorant and unwary, is the criterion and test of guilt." But it must be observed that in the earlier edition he had expressed himself more clearly to the same effect, and seems to have modified his language intentionally. In America, where the common law doctrine as to blasphemy has undergone much more discussion than in England, it is clearly established that it is not necessarily blasphemy to deny even the most fundamental propositions upon which Christianity is founded; and that words, which would otherwise be blasphemous, are not so if used in the course of serious discussion and for the purpose of maintaining an opinion held by the speaker. In the case of *The People v. Ruggles*, 8 John. 290, the prisoner had been convicted of blasphemy in uttering very gross and offensive language against Jesus Christ. The conviction was confirmed by the Supreme Court of the United States, and the judgment then delivered by Chief Justice Kent is by far the most important exposition of the law of blasphemy to be found in our books. Having stated the words on which the conviction proceeded, he said—"After conviction we must intend that these words were uttered in a wanton manner, and, as they evidently import, with a wicked and malicious disposition, and not in a serious discussion upon any controverted point in religion. The language was blasphemous, not only in a popular, but in a legal sense; for blasphemy, according to the most precise definitions, consists in maliciously reviling God or religion, and this was reviling Christianity through its author. The jury have passed upon the intent or *quo animo*; and if those words, spoken in any case, will amount to a misdemeanour, the indictment is good." And so the New York Penal Code, purporting not to introduce any new rule, but to express the existing common law, in Art. 31, defines blasphemy as consisting "in wantonly uttering or publishing words casting contumelious reproach or profane ridicule upon God, Jesus Christ, the Holy Ghost, the Holy Scriptures, or the Christian religion." In Art. 32 it adds—"If it appears, beyond reasonable doubt, that the words complained of were used in the course of serious discussion, and with intent to make known or recommend opinions entertained by the accused, such words are not blasphemy."

The English authorities, however, are not all consistent with the view just stated. In many of the cases upon the subject, we find a marked distinction drawn between publications aiming at the overthrow of Christianity generally, or bringing the Scriptures generally into contempt, and the discussion of particular points connected with the Christian religion or the Scriptures; and it is said that the one class of publications is blasphemous while the other is lawful. Now, if this be true as an abstract proposition of law, it is plain that certain opinions are, *per se*, blasphemous. But upon this two observations must be made. In the first place most of the cases have come before the courts after verdict, so that all facts necessary to sustain the indictment, including the malice, were taken as found. In such cases the courts had to decide not whether certain words were necessarily blasphemous, but whether they could be blasphemous. Secondly, it must be remembered that judges and juries are every day in the habit of tacitly assuming a variety of matters of fact which, strictly speaking, ought to be tried by evidence; but which, as

men of the world, they knew to be morally certain. And in this way it might at one time not very unreasonably be assumed that anyone who spoke contemptuously of Christianity, or of the bible, did so from some other motive than a pure love of truth. Whereas, in an age of sceptics like the present, no such assumption reasonably could, or, in fact, would, be made. Still, qualify these cases as we may, there remain, at the very least, a number of judicial *dicta* in favour of the proposition that to maintain certain opinions is blasphemy at common law. And within the last few months, a learned judge has added the weight of his authority to this view. The case of *Conan v. Milbourn*, reported 15 W. R. 750, was an action for breach of an agreement to let certain rooms to the plaintiff. The defence was that the rooms were hired for an illegal purpose. The rooms were, in fact, hired for the delivery of lectures on the following subjects, amongst others, "The Character and Teaching of Christ: the former defective, the latter misleading," and "The Bible shown to be no more inspired than any other book." And the question for the Court was whether this was such an illegal purpose as to warrant the defendant in refusing to let his rooms. Though the question arose in this form, however, it is plain that the delivery of the lectures, if illegal in any sense, would have been an indictable offence. The plaintiff's counsel argued that such lectures might or might not be blasphemous; for blasphemy consisted not in asserting particular opinions, but, in asserting them in a certain way, and with a certain *animus*. But the Lord Chief Baron thought that "it would be a violation of his duty if he left the question for a moment in doubt," and declared such lectures to be illegal. And the reason he gave was the old common law common-place, that Christianity is part of the law of England. Martin, B., agreed with his Lordship, but without giving the grounds of his opinion. And Bramwell, B., relied upon the much safer ground that such lectures were prohibited by a statute to which we shall have occasion hereafter to refer. Now, if any definite proposition can be drawn from the Lord Chief Baron's judgment, it is this, that it is necessarily illegal to maintain the "character of Christ to have been defective, and His teaching misleading," and "the Bible to be no more inspired than any other book."

Such being the state of the authorities, it cannot be said that the common law on this point is clear or well settled; but it appears to us that the preponderance of authority is in favour of the more liberal view, that any proposition, however hostile to Christianity, and however offensive to Christians, may lawfully be asserted; if the words be used simply for the purpose of propagating and enforcing what he who uses them believes to be true.

THE LEGISLATION OF THE YEAR.

30 & 31 VICTORIA, 1867.

Cap. I.—An Act to further continue the Act of the twenty-ninth year of the reign of her present Majesty, chapter 1, intituled "An Act to empower the Lord Lieutenant or other chief governor or governors of Ireland to apprehend, and detain for a limited time, such persons as he or they shall suspect of conspiring against her Majesty's person and government."

Cap. XXV.—An Act to further continue the Act of the twenty-ninth year of the reign of her present Majesty, chapter 1, intituled "An Act to empower the Lord Lieutenant or other chief governor or governors of Ireland to apprehend, and detain for a limited time, such persons as he or they shall suspect of conspiring against her Majesty's person and government."

These two Acts continue the suspension of the Habeas Corpus Act in Ireland, until the 1st day of March, 1868. In the suppression of the recent rebellion, and in the trial of the numerous offenders captured within the last eighteen months, enough has been shown to justify the passing of this unusual measure; and the country is now

enabled to estimate what might have been the result of the Fenian organization, but for the prompt measures adopted by the Government for the purpose of putting it down. It is only the occurrence of most exceptional circumstances which can give occasion for even a temporary abatement of that jealous watchfulness over the liberty of the subject supposed to be an attribute of the constitution of the realm; and now that the exceptional circumstances have arisen, and unfortunately continue to exist, the fact that the law is strong enough to cope with them must prove the preponderance of loyalty over discontent, and so form a subject of congratulation to all true-hearted subjects of her Majesty.

The moderation with which the powers of the Habeas Corpus Suspension Act have been exercised, promises that, in the event of its being further continued, no bad or tyrannical use will be made of them. When Parliament meets in February next, the first question to be considered will be whether the further continuance of the "Suspension Act" is required by the condition of the country. The later of the two Acts expires on the 1st of March, 1868.

Cap. V.—An Act to repeal the duties of assessed taxes on dogs, and to impose in lieu thereof a duty of excise.

Two moving causes operated to bring about the introduction of this Act. The one was the number of ownerless dogs to be found in towns, and the many instances of attacks made by savage animals of this species on persons who were unable to obtain either redress or compensation, by reason of their inability to discover the proprietor of the offender. The other motive for the introduction of this Act was the difficulty of collecting the revenue arising from the tax on dogs; and it was considered that a small payment demanded for a license to keep a dog would be more easily and more certainly collected than the large payment hitherto imposed on the owners of those animals.

With a view to diminish the first of the evils complained of, every dog, without exception or exemption, is charged with an excise duty of five shillings to be collected as the payment for a license. It is a subject for regret that it is not made the business of the police everywhere to put the Act in force, as we are informed is their practice at Manchester, because, with the exception of any fear which may be entertained of the penalties to which they are liable under the Act, there is but little to prevent the evasion of this duty by the majority of owners of dogs in the country, unless indeed the small amount payable takes away the temptation to escape. If it were the duty of the police to capture all ownerless dogs wandering about, and to destroy them after a limited time and after due notice given, the effect of the Act would be somewhat increased, and for the better.

It is, however, we believe, found that even up to the present time duty has been paid on many more dogs than were formerly returned as liable to be paid for, and it may be hoped that in time the Act will have the two-fold effect of getting rid of all ownerless dogs, and of producing a larger revenue than this item has ever before brought to the Exchequer.

That dogs are useful cannot be denied, but they are not all so; so that, while the Legislature allows the existence of all dogs without exception, it is only acting for the public good if it enforces strictly the provisions of this Act.

EAST INDIA JUDGES.—The Parliamentary return, moved for by Mr. O'Beirne, has been printed, and shows that the numbers of Judges in the various Indian courts are—Bengal, 13 (8 being civilians); Madras, 5 (3 being civilians); North-Western Provinces, 6 (4 being civilians); Punjab, 2 (1 being a civilian). All the regular judges, except one, and three of the civilians, are entitled to practise at the English Bar. The exception referred to is that of M. W. Westropp, of the High Court, Bombay, who is an Irish barrister.

RECENT DECISIONS.

EQUITY.

SET-OFF OF DEBT DUE TO BANKRUPT SHAREHOLDER FROM A LIMITED COMPANY AGAINST AMOUNT DUE ON HIS SHARES.

Re Duckworth, LL.J., 15 W. R. 858, 2 L. R. Ch. 578.

Our readers will remember that in a case heard by the Court of Appeal at the close of the long vacation sittings last year (*Grissell's case*, 14 W. R. 1015, 1 L. R. Ch. 528), two questions were raised—1. Whether a member of a company, who was also a creditor, was entitled to be paid his debt *pari passu* with the other creditors, who were not members of the company, or only after the debts due to those creditors had all been paid; and 2. Whether, if entitled to be paid in common with the other creditors, he had any right of set-off as between his debt or the dividends on it, and the amount due on his shares, or the calls made upon them. The decision was looked forward to with much anxiety, not only by the numerous shareholders in banking companies, who were also depositors, but by the class of contractors and others who, while creditors of their respective companies to a large amount, were also deeply involved as contributories. They had no great reason to be dissatisfied with the decision, as they were held entitled to be paid equally with the other creditors, and only a claim of set-off, which would have given them an advantage over the other creditors, was refused. The effect of it was, that a person who is at the same time a creditor and contributory, is entitled to receive a dividend on his debt when he has paid all calls due on his shares, but not until then, setting off, however, we presume, any declared dividend against an unpaid call, as that would not affect the position of either himself or the company.

The above decision was rested on the construction of the Companies Act, 1862, and the absence of any provision corresponding to the mutual credit clause in Bankruptcy, section 171 of the Act of 1849. But suppose the creditor-contributory to have become bankrupt, or to have executed a trust deed for the benefit of his creditors, that clause will then apply, and the question arises whether his rights and liabilities are to be determined by the law of 1849 or that of 1862. *Re Duckworth* decides this; and although it is anomalous that the above circumstances should alter the position of such creditor contributory, particularly when the position of the other creditors and contributories is thereby affected, and if the case had been contemplated by the framers of the Act of 1862, some special provision would no doubt have been made for it, it must now be taken that the assignees or trustees of a creditor of a company may set off the debt from the company against the amount payable on the shares held by him, whether called up or not. Whether the application of this principle of set off will be beneficial to the company or the reverse will depend on the relative degrees of insolvency of the company and the bankrupt, and it may now sometimes be expedient for a creditor-contributory to execute a deed of assignment under the Bankruptcy Act simply for the purpose of availing himself of this right of set-off.

COMMON LAW.

Skinner v. Kitch, 15 W. R., Q. B., 830.

Every case which throws any light on the legal position of employers and employed towards one another is of much interest just now, whilst the unfortunate strife between them is so constantly renewed. In *Skinner v. Kitch* a question of this sort was decided.

The statute 6 Geo. 4, c. 29, s. 3, provides that if any person shall by . . . threats . . . endeavour to force any manufacturer to limit . . . the number or description of his journeymen workmen, any person so offending shall " be liable to punishment.

In this case, which was decided upon a case stated by

justices, Skinner was secretary of the General Union of Carpenters and Joiners, and gave the respondent Kitch notice that he would require the workmen who were members of the Union and who were employed by Kitch to come out on strike unless Kitch dismissed one Jordan, who was not a Union-man, from his employment, or unless Jordan joined the society. The question of law was whether the threat by Skinner that Kitch should lose the services of most of his workmen unless he dismissed the non-societyman or induced him to join the society, was a threat within the meaning of the 3rd section of the statute.

The Court held that the notice sent by Skinner came within the statute as being a threat to force a master to limit the description of his workmen. It is to be noticed in this case that the person threatening was not a workman in the employ of the master, but was altogether unconnected with him.

It by no means follows from this case, therefore, that a workmen would not be perfectly justified in giving his master notice that he would leave unless the master dismissed a non-societyman. A workman would clearly be justified in leaving any service in which he might be engaged upon giving the requisite notice without assigning any reason at all for so doing. If, on being asked his reason for leaving he were to say that he left because he would not work with a non-unionist he clearly would not be guilty of any threatening. The same reason would seem to apply if, on giving notice to leave, he stated his reason at once and unasked. In short, if he simply gave his master an option between retaining the services of a union or a non-union man he could hardly be liable to punishment for any infringement of the provisions of the criminal law on this subject.

Wallenstein v. Herbert, 15 W. R., Q. B., 838.

During the last year or two there have been a great number of decisions on copyright cases of one sort or another, and the nature of the copyright in musical compositions, as well as in pictures, engravings, photographs, &c., has been several times considered. A case of this kind has again been decided in *Wallenstein v. Herbert*, which was an action brought by the plaintiff, a musical composer, against Miss Herbert, the proprietress of the St. James's Theatre, for an alleged infringement of his copyright in certain music which he had composed. The plaintiff had been musical director for a former lessee of the same theatre (Mr. F. Matthews), and as such had to find all the music which was required, engage the performers, &c. In the course of his duties as musical director the plaintiff composed some music to accompany a play, the copyright of which his employer had purchased. The defendant, who afterwards succeeded Mr. F. Matthews as lessee of the theatre, produced on the stage, by his permission, the play for which the plaintiff had composed the music, together with the music itself. The action was brought under the Copyright Acts to recover damages for this alleged infringement of the plaintiff's copyright. One question was, whether the plaintiff composed his music as an original and substantive piece of composition, or whether it was merely so much work done for Mr. F. Matthews to assist him in arranging a play of which the music would be one of the parts. If the music were a substantive composition, the plaintiff clearly would have a copyright in it, and would, therefore, *prima facie* be entitled to sue for any unauthorised use of it. If the plaintiff had no right to the music, the copyright would then be in the plaintiff's employer, Mr. F. Matthews, as being a portion of his play. There was, however, a second question—viz., whether, even granting for the sake of the argument that the plaintiff had the copyright, Mr. F. Matthews had not, under the terms of the contract between them, an unlimited right to perform the music. If Mr. F. Matthews had that right then he could authorise another person to

exercise it; and as he had licensed the defendant in this case, the plaintiff would not, in that event, be entitled to maintain this action. The Court held that the plaintiff had no right of action. Cockburn, C.J., holding that, whether the plaintiff had the copyright or not, the defendant was authorised to make use of the music under the license of Mr. F. Matthews, as he had an unlimited right to perform the music by the terms of the contract between him and the plaintiff. Mellor, J., said that the plaintiff had not the copyright, and, even if he had, the defendant, as licensee of Mr. F. Matthews, was entitled to use it. Shee, J., agreed with the rest of the Court that the action was not maintainable, but did not very clearly state upon which of the two grounds he rested his judgment. The decision is not very satisfactory, as it does not lay down any general rule of law which will be a guide in future cases. It would seem certainly most reasonable that the copyright in this case should, in the absence of any express contract, belong to Mr. F. Matthews, who employed the plaintiff, so to speak, to compose for him a certain portion of an entire work, the copyright of which Mr. Matthews was entitled to. Of course, if musical directors wish to protect their interests, it will be easy for them to make special agreements with their employers; but, in the absence of such agreements, we think that he who designs and arranges, by himself or others, the whole work, may himself be well considered the author, and therefore the proprietor of the copyright.

Delany and Others v. The Metropolitan Board of Works,
15 W. R., Q. B., 841.

We noticed a short time ago (*ante*, 877) the case of *Poulson v. Thirst* decided on the construction of section 106 of 25 & 26 Vict. c. 62, which requires one month's notice to be given before commencing any action for anything done under that Act.

In *Delany v. The Metropolitan Board of Works* the same section was under consideration, and it was decided that it was not necessary to give this notice where the action is brought upon an award of a sum of money for compensation for injuries done in the execution of the defendant's works. The compensation in this case was ascertained under 18 & 19 Vict. c. 110, s. 225, an award made, and an action brought for the amount, and on demurrer to a plea that there had been no notice it was held that section 106 of 25 & 26 Vict. c. 62, only applies to hostile proceedings, and not to proceedings of this character, which in their inception were not of a hostile nature at all.

REVIEW.

The Law Magazine and Law Review. August, 1867.

The August number of *The Law Magazine and Law Review* opens with an essay by Mr. George Overend on the "Preservation and Amendment of Trial by Jury," being the essay which obtained the first prize of the Law Amendment Society offered for the best essay on this subject. Trial by jury is a very large subject, and twenty pages is not a very large space, so that it would have been impossible for Mr. Overend to treat the subject in anything like an exhaustive manner; but he has done probably as much as space permitted. The earlier or historical part of the essay is the fullest. His argument in favour of jury trial does not put the case as strongly as it might be put. And he falls into the usual mistake of taking his illustrations almost exclusively from criminal cases. This is unfortunate, for no one practically denies the value of a jury in criminal cases, the dispute is as to civil cases. In his suggestions for the amendment of the present system the writer is not definite enough to be very useful. The next article is one upon martial law, founded on the Lord Chief Justice's charge to the grand jury in the case of General Nelson and Lieutenant Brandt. Our own views upon this subject have been fully and frequently expressed, and it is enough to say that the writer takes the same view of the subject which

we have done, and which, since the Chief Justice's charge, almost all lawyers do. But it can by no means be said that laymen always understand the matter in the same light. In a recent brilliant article on the Reform Bill, Mr. Carlyle has gone a little out of his way to laugh at the Chief Justice's charge. But if Mr. Carlyle had understood the charge a little better, he would have seen that its conclusions are far more in accordance with his own views than the opposite doctrine is. Its whole tendency is to sweep away an arbitrary, artificial, and technical system called by the name of martial law, and put in its place the "*non scripta sed nata lex*" of necessity,—necessity for the establishment and maintenance of order, which is but self-defence on the part of the community. The article on reform is careful and moderate in tone, but being written before the Reform Bill, it speaks to most of us a forgotten language. An article on "Colonial Legislative Bodies" is a vigorous argument in favour of the restricted power of derivative legislative, or *quasi-legislative*, bodies in colonies, and the necessity that all their enactments should be in conformity with the law of England in order to give them validity. But the writer has hardly pointed out with sufficient clearness, that his arguments only apply in the case of Crown colonies, in which the legislative or executive council deriving its right from the Crown can have no greater right than the Crown from which they are derived, and that they have no application in the case of colonies having an independent Legislature, whose powers are not derivative but original. The *Slade* case and the *Shedden* case, two very complicated cases, and not very easy to be understood, are fully explained in two further articles. The rest of the volume is occupied by a slight and sketchy review of some recent genealogical works, and discussions on the County Courts' Amendments Acts, the late Vaccination, and other Public Health Acts, and the question of marriages of British subjects abroad. On the whole the present number of the *Law Magazine* is a good one.

COURTS.

COURT OF ARCHES.

(Before Sir ROBERT PHILLIMORE.)

Aug. 27.—*Martin v. Rev. A. H. Mackonochie.*—This case, which has been brought to try the legality of the use of lights and incense during the communion service, and other practices in use at St. Albans Church, Holborn, came before the Court on a special application as to the mode of hearing in October. The point on the present occasion, which is of considerable interest to both sides, was the constitution of the court on the hearing, the present dean, Sir Robert Phillimore, having been counsel in the case for the defendant, the incumbent of St. Albans, Holborn.

Dr. Tristram (with whom was E. Charles), applied on behalf of the defendant that his Lordship should hear the case with Dr. Travers Twiss and Dr. Robertson as his assessors.

J. A. Stephens, Q.C., had, on the part of the promoter, Mr. Martin, objected to the court being constituted as suggested, and wished the case to be heard by Dr. Twiss sitting alone. It was contended that his Lordship, as official principal of the Court of Arches, had no power to delegate his authority for the purpose of hearing what was in substance an appeal.

His Lordship asked whether notice of the present application had been given to the other side.

Dr. Tristram believed so.

His Lordship asked whether by his patent he could not appoint a surrogate, and he called the attention of counsel to his peculiar position as having been counsel in the case. The question was of so much importance that he wished to hear all that could be advanced on the subject.

Dr. Tristram, and Charles, contended that although, as official principal, his Lordship could appoint surrogates, yet he could not delegate his power to others to hear what was in effect an appeal sent by the Bishop of London from his own court by letters of request; and, further, they submitted that as it was a criminal proceeding, the defendant had a right, in a matter of so much public importance, to have his case heard by the first ecclesiastical judge in the country, assisted, as his Lordship might think

proper, by others as his assessors. There were no cases in which counsel in the cause afterwards sitting as judges, had been objected to, and none in which a surrogate had decided an appeal from an inferior court on letters of request.

His LORDSHIP said he should not decide the matter at present, but wished to address a few observations for the consideration of both sides. He felt great reluctance to hear a case in which he had been counsel; and whilst he did not wish to deprive the defendant of any right, he at the same time did not wish to place the promoter in a different position. He suggested the question whether a case on petition could be raised as to his hearing the case, and whether it could then go to the Judicial Committee and be heard as an appeal. Another point was, whether the party could not apply for a mandamus directing him to hear the case, and whether he should not allow time for the purpose. He wished both sides to consider what he had said, and communicate with the registrar, as something must be determined upon before the hearing, appointed on the 29th October.

Adlam v. Coulthurst.—Dr. Spinks, Q.C., and Dr. Swarby, on the part of Mr. Adlam, a magistrate for the county of Somerset, applied that the defendant, one of the churchwardens of Chew Magna, should be declared in contempt for disobedience to an order of Dr. Lushington to restore some human bones which he had removed to a meadow, and to pay £100 as law expenses.

Toller, as proctor for the defendant, protested against the application in the absence of his counsel, Dr. Deane, who could show that the order of the Court could not be complied with.

His LORDSHIP said the case was of public importance, and delay might cause further desecration. On Mr. Toller undertaking that nothing should be done to the meadow he would let the case stand to the 24th October.

Aug. 28.—Martin v. The Rev. A. H. Mackonochie.—This case, in which an application was made yesterday as to the manner in which the Court should be constituted at the hearing, now came on again.

The DEAN OF ARCHES delivered judgment as follows:—I have considered the application made to me yesterday by the counsel for the party proceeded against in the case of the Office of the judge promoted by Martin against Mackonochie. I have decided not to accede to that application, but to appoint two surrogates, namely, the Vicar-General of the Archbishop of Canterbury (Dr. Twiss), and the Chancellor of the diocese of Rochester (Dr. Robertson), to hear this case on the days which have been already fixed. I do not think that sections 13 & 15 of 3 & 4 Vict. c. 86, commonly called "The Clergy Discipline Act," affect the general power conferred on me by the patent of appointing surrogates; and the circumstances of the case are so peculiar that I consider myself, in the present instance, justified in availing myself of this power. I therefore reject the application which has been made to me to hear this cause myself, with or without assessors. The defendant, if he consider himself, or be advised by counsel that he is aggrieved by this decision, may appear under protest before the judges to whom I have delegated my jurisdiction on this occasion, and the validity of the objection raised in the protest will be ultimately decided by the Judicial Committee of the Privy Council.

COURT OF ADMIRALTY.

Aug. 28.—Sir Robert Philimore sat, for the first time, as Judge of the Court of Admiralty, and disposed of a number of motions.

The Great Eastern Steamship.—The case of the Great Eastern steamship came on for hearing to-day, on the question of wages, and for damages to the men consequent on their dismissal when the vessel was arrested at Liverpool.

Vernon Lushington, as counsel for the crew, about 300 in number, asked for a reference, to ascertain the amount to be awarded as damages. The actual amount due for wages was inconsiderable, but the important question was the damages.

C. P. Butt, for the Great Eastern Company, opposed the application. He had denied the jurisdiction of the Court before the late judge, and his Lordship had drawn up a judgment, which was read by the proctors when he was confined by illness, and he had decided in favour of the

crew, and the only question was the amount to be awarded. Mr. Butt said he should appeal to the Judicial Committee on the question, which was most important.

Sir ROBERT PHILIMORE took time to consider the course he should adopt in the matter.

BOW-STREET POLICE COURT.

Aug. 29.—Edward Smith, a messenger, appeared before Sir Thomas Henry, on remand, upon a charge of delivering letters contrary to the privilege of the Postmaster-General.

Peacock, on the part of the Post-office authorities, conducted the prosecution, and Templeman appeared for the defendant, having been retained by Mr. Eyre, the manager of the company.

Evidence was given on the former hearing and was completed to-day, to show that the accused was employed in collecting and delivering circulars by the Circular Delivery Companies.

Templeman, for the defence, argued that circulars were not letters at all within the meaning of the Post-office Act, but merely advertisements. Some stress had been laid on the fact that an answer was requested. But then every advertisement required an answer, directly or indirectly. There was no definition in the Act of what constituted a letter.

Sir THOMAS HENRY said that in 1 Vict. c. 33, the second clause, taken with the exceptions, showed clearly enough what was meant by a letter, and he had no doubt that these documents were of that nature.

Mr. Manuel Eyre, the virtual defendant, stated that he was the proprietor of the business carried on under the style or firm of the London and Metropolitan Circular and Pamphlet Delivery Companies. He read the circular, which offered the public great advantages in the cheap and punctual delivery of circulars; at the same time declaring that "no letters" would be "taken on any pretence whatever." The same system, he observed, had been carried on in Glasgow, where the company was employed by the Board of Inland Revenue to deliver tax papers, which he was sure the board would not do, if they believed the proceedings to be illegal. He had taken the opinion of the Lord Advocate upon the question.

SIR THOMAS HENRY said if the opinion was before him, with the case on which it was given, he might be better able to judge of it. But the mere verbal statement of that opinion could have no weight with him. He did not even know that the law was the same in Scotland as in England.

In answer to questions, and after the usual caution that he was not bound to criminate himself, defendant stated that the lowest rate charged for delivering circulars was one farthing each, but the rates varied according to circumstances. Farthing and halfpenny stamps were issued. They were affixed to the envelopes in the same manner as the postage stamps were affixed to letters. He considered that while the Queen's head showed the the document to which it was affixed to be a letter, his stamp showed it to be a circular. In some cases the stamps were objected to on that very ground, and then they were forwarded without any stamp, though the same rates were charged. In fact the stamp was a trade mark chiefly intended to advertise the companies. It bore the inscription "Circular Delivery Companies," and the amount $\frac{1}{2}d.$ or $\frac{1}{4}d.$ He had never intended any infringement of the law. He had sent a copy of the circular to the Post Office in the first instance, believing honestly that he was not infringing the law.

Mr. Peacock said the only object of these proceedings was to protect the revenue; and they were instituted under the directions of the Attorney and Solicitor-General.

Sir THOMAS HENRY said he was quite satisfied that these circulars were letters within the meaning of the Act, and came within the privilege of the Postmaster-General. He had given the matter his most careful consideration, and he must declare it to be one of the clearest cases he had been called upon to decide. The defendant was liable to a penalty of £5 for delivering the letters, and Mr. Eyre, who employed him, would have been liable if proceedings had been taken against him. Defendant must pay the fine of £5.

Templeman said the practice of delivering circulars was carried on by several other companies—such as the Corps of

Commissioners, and the post-office had never interfered with them.

Sir THOMAS HENRY said he considered they were all liable to the same penalty if they did the same thing.

Temploman believed there was no appeal?

Sir THOMAS HENRY replied that there was, and that a case might be stated under the Criminal Justice Act. It would, however, be important for Mr. Eyre to consider that, if either of these courses were taken, nothing could be done until November. It would then be a most serious thing for him if, the decision being confirmed, he found himself liable to penalties of £100 a-week for every week during which he carried on the business in the interim.

Eyre said he should not carry on the business in opposition to the magistrate's decision, but would take care to forward no circulars but what were sent to him open.

Sir THOMAS HENRY.—Now take care. This is a most stringent Act, passed on purpose to protect the privilege of the Post-office, and it cannot be evaded in that way. You have been keeping a sort of little post-office, and I have no hesitation in saying that you have not the right to do it, and that no one has a right to do it.

PRESENTMENTS BY JURIES.

At the Liverpool assizes the Grand Jury, before separating, made a presentment to Chief Justice Bovill, in which they said that, upon a careful analysis of the cases submitted to them, it was found that a considerable number of the offences charged are not, in fact, of a more serious character than those which are ordinarily dealt with at a comparatively small cost, and quite satisfactorily to the public, in the courts of quarter session. The grand jury, therefore, respectfully submitted that except in cases of murder, aggravated manslaughter, concealment of birth, rape, arson, placing obstructions on railways, robberies with violence, and the forgery of negotiable instruments, there are no charges in the calendar which, if the law so permitted, might not, without any injury to the public interests, at a greatly reduced cost, and the great relief of the work of the assizes and the judges presiding there, be confined to the Quarter Sessions.

His Lordship, having received the presentment, thanked the grand jury, on behalf of the country, for it. He assured them that it should be forwarded to the proper quarter. He expressed his entire concurrence with the substance of the presentment, and would only venture to add that, in addition to the saving of expense, time, and labour bestowed on cases at the assizes, he conceived it to be the interest of the prisoners themselves that they should be brought to a more speedy trial than they could be if sent to the assizes.

A special jury at Leeds upon being discharged authorised one of their number to make the following remarks to Mr. Baron Piggott:—"Before the special jury separate I crave your permission to make a remark in which such of the jury as I have had the opportunity of consulting concur. Although in the case of small cities or towns it may be necessary to empanel special juries from large areas, no necessity exists in towns containing over say 50,000 people, to go for jurors beyond their limits, the inhabitants of which can attend with much less inconvenience and expense than can men from a distance. It seems to me that, in the sacred name of justice, great injustice is inflicted upon men who are compelled to leave their homes and their affairs to decide such trumpery squabbles and paltry disputes as those which have taken up so much of the time of your Lordship's court during the past fortnight. It may be that legislation alone can remedy either or both of the matters referred to, but as law is the issue of public conviction, not felt merely, but expressed, it appears to me that this is a suitable time for speaking, and that your Lordship is the proper person to whom to express our conviction."

The JUDGE.—I quite agree with what you have said.

At the Middlesex sessions this week, on presenting the last batch of bills, the foreman of the grand jury said he was desired by his brother jurymen to represent to the Court that it was their unanimous opinion that grand juries in the metropolitan districts should be abolished, and that many of the trifling cases, such as stealing 6d. and 1s. 6d., might have been disposed of by the committing magis-

trates. They were of opinion that there should be an alteration of the law to effect this object.

The JUDGE said the magistrate had already power to deal with cases of not more than 5s. in value, but in some instances, although the sum stolen was small, the prisoners were old offenders, and the magistrate had no power to pass a sentence of penal servitude, which, perhaps, the offence deserved. That would account for prisoners being sent for trial, although the offence with which they stood charged might be small in amount.

GENERAL CORRESPONDENCE.

OUGHT A BARRISTER TO HAVE A LEGAL REMEDY TO RECOVER HIS FEES? AND OUGHT HE TO BE LIABLE TO AN ACTION FOR WANT OF CARE OR SKILL?

Sir.—This question has been often suggested to me by the difficulties sometimes experienced in obtaining payment of fees where a barrister takes a brief without the fees having been previously paid. Though I have heard that in strictness professional etiquette forbids a barrister taking a brief without having previously received his fee, yet I know that this rule, supposing it actually exists, is very extensively departed from. The only rule on the subject to which any serious sanction is attached is, that a barrister shall not subscribe his signature or initials under the fee marked unless and until that fee has actually been paid. In common with many other members of my profession I have allowed accounts to accumulate for some time with some firms, but I have found that when it comes to paying the process is very slow indeed, and, in a few cases, all but hopeless. I am sorry to say that I understand from other members of the profession that such things are by no means of rare occurrence.

Under these circumstances does it not seem that it would be but a just measure to provide a legal remedy by which a barrister could recover the amount of his fees. Some years ago a doctor was much in the same position as a barrister is in now; but the Legislature has altered the legal position of the one, so that he can now recover his fees for attendance even without a special contract, which in the former state of the law was the only way by which he could sustain an action for his fees. But the barrister does not enjoy even that resource which a doctor had before the Act; he cannot recover even on a special contract. I believe a barrister is now the only person to whom the law denies the power of recovering by action what is due to him by way of remuneration for professional services; and, in my humble judgment, it is high time that the exception should cease to exist.

I am aware of the argument by which the present state of things has been attempted to be justified—viz., that the barristers' immunity from action for damages incurred through his fault in conducting a case or in advising is a fair equivalent for the disadvantage he labours under occasionally from the want of a legal remedy for his fees. But why should such an immunity exist? It has been said that it is necessary in order that a barrister may be untrammelled by the apprehension of consequences in suggesting or adopting the course which his judgment points out as the best. Now, what is this, let me ask, but holding out a premium to recklessness? Will any one seriously believe that a barrister will be less able or discreet in conducting his business because he knows that if he exhibit a want of due skill and care, and the suit is lost in consequence, he can be made amenable? I think on the contrary it would make him more keenly alive to the interests of his clients, and more careful in qualifying himself for the discharge of his important duties. I find it very difficult to draw a distinction between the case of a barrister and a doctor for the purposes of this argument. Does not the latter meet with cases involving as much doubt and difficulty as the former? and should he not be equally free from apprehension in the exercise of his judgment? I do not think that in either case the existence of a remedy for damages arising from want of care or skill would or does make the smallest difference so far as regards the exercise of competent skill. Each will do his best whatever may be the state of the law. I would only say that the existence of a remedy for possible negligence or want of skill will make a barrister, like a doctor, the more careful in duly qualifying himself for his profession, and,

having done so, will render him the more careful in putting his skill to the best advantage.

For these reasons I think it very advisable that the law should be changed in these respects,

A BARRISTER.

THE COMPANIES' ACT, 1867.

Sir.—A "London Solicitor" calls attention to the fact, as an oversight, that the Companies Act, 1867, is to come into force on Sunday next; but is not a much more serious oversight to be found in section 26, which provides that "a company shall, on the application of the transferor of any share or interest in the company, enter into its register of members the name of the transferee of such share or interest, in the same manner and subject to the same conditions as if the application for such entry were made by the transferee?" The margin reads—"Transfer may be registered," &c.; but the section itself says "shall," and under this "shall" will it not be compulsory upon companies, on the application of transferors, to register transferees, even though they may be paupers? and if so, what will creditors say to this?

E. H. G.

THE POLICE MAGISTRATE AND THE REMISSION OF IMPRISONMENT.

Sir.—I read with very great pleasure your strictures on the police magistrate at Bow-street, who, the other day, having actually inflicted a sentence of imprisonment for a most brutal assault, afterwards, on the application of Mr. Lewis, of Ely-place, attorney (who had been preceded by another in the office of mediator or intercessor), actually remitted the imprisonment, and inflicted in lieu of it a fine of £5. We often hear a good deal about irregularities connected with police court administration of justice; but so long as they do not substantially affect the due course of law we may be disposed to refrain from terms of strong condemnation. When, however, a police magistrate forgets what is due to his office and to the dignity of the law, and permits himself to be swayed by attorneys or others from his deliberately formed and finally pronounced judgments, it is high time that every member of the public who feels an interest in maintaining the dignity of our legal tribunals should raise his voice in condemnation of such a want of firmness and respect for the position which he holds. I trust it may yet appear that there was some error or omission in the report alluded to. If so, it would give me, and, I have no doubt, many who feel like me on the subject, much pleasure to find it corrected or supplied. If this should not be done, I cannot help thinking that the act was one deserving of the notice of a higher authority.

PUBLICUS.

APPOINTMENTS.

The Right Honourable Sir ROBERT JOSEPH PHILLIMORE, Knt., has been appointed Judge of the High Court of Admiralty.

TRAVERS TWISS, Esq., D.C.L., to be her Majesty's Advocate-General.

CLARKE ASPINALL, Esq. (Aspinall & Bird), to be Coroner for the borough of Liverpool.

The Right Hon. H. E. CHATTERTON, Q.C., LL.D., to be Vice-Chancellor of Ireland.

ROBERT R. WARREN, Q.C., M.P., to be Attorney-General for Ireland.

MICHAEL HARRISON, Q.C., to be Solicitor-General for Ireland.

JOHN F. TOWNSEND, Q.C., LL.D., to be Judge of the Court of Admiralty, Ireland.

AUGUSTIN H. BARTON to be Registrar of the Court of Admiralty, Ireland.

J. FAIVIERE ERLINGTON, LL.D., to be Crown Prosecutor at Armagh.

THOMAS P. LAW to be Counsel to the Right hon. the Attorney-General, Ireland.

Mr. THOMAS F. R. HAMMOND, of West Burton and Leyburn, has been appointed a perpetual commissioner for taking the acknowledgments of deeds executed by married women for the North and West Ridings of the county of York.

Mr. EDMUND LLOYD, of Aberayron, has been appointed a perpetual commissioner for taking the acknowledgments of deeds executed by married women for the county of Cardigan.

Mr. JOSEPH ROGERS, of Tonbridge, has been appointed a perpetual commissioner for taking the acknowledgments of deeds executed by married women for the counties of Sussex and Kent.

Mr. WILLIAM WYLSON, of Appleby and Kirkby Stephen, has been appointed a perpetual commissioner for taking the acknowledgments of deeds by married women in the county of Westmorland.

Mr. HENRY COLLINS, of Whitehaven, to be one of the perpetual commissioners for taking the acknowledgments of deeds executed by married women in and for the county of Cumberland.

Mr. CHARLES McC. SWARBRICK, of Thirsk, has been appointed a perpetual commissioner for taking the acknowledgments of deeds executed by married women in the North Riding of the county of York.

Mr. EDWIN C. EVERITT, of Attleburgh, has been appointed a perpetual commissioner for taking the acknowledgments of deeds by married women for the county of Norfolk.

Mr. FREELAND FILLITER, of Wareham, has been appointed a perpetual commissioner for taking acknowledgments under the Fines and Recoveries Abolition Act, in lieu of his brother, Mr. Clavell Filliter, who has resigned that office in consequence of his retirement from practice.

IRELAND.

KINGSTOWN POLICE OFFICE.

A curious case, involving the privileges of barristers as well as professional etiquette, was argued before the presiding magistrate, Mr. Allen, on Wednesday. Mr. John Reilly, a barrister, undertook to defend a prisoner without having received instructions through an attorney. Mr. Payne, solicitor, objected, stating that no barrister under such circumstances could address the Court. The arguments advanced yesterday by Mr. Michael Barry, Barrister-at-Law, in support of Mr. Paine and of the Bar, and by Mr. Reilly, who pleaded his own case, were of a technical nature. Mr. Reilly supported his right to appear for a criminal defendant and in cases of felony, but not for a plaintiff or in a civil case, without an attorney. Mr. Allen allowed Mr. Reilly to plead. The question is one of considerable importance to the legal profession, and will we understand, be brought immediately under the notice of the benchers by the Law Society.

COLONIAL TRIBUNALS & JURISPRUDENCE.

QUEEN'S BENCH, UPPER CANADA.

FALSE PRETENCES.

Regina v. Gemmell.

On an indictment for obtaining money by false pretences, it appeared that G., the prisoner, and another, were in a boat on the bay, and the prosecutor, M., agreed with them to take him to meet the steamer, G. saying the charge would be 75 cents at the steamer. The prosecutor, according to his own account, took out a 2 dol. bill, saying he would get it changed. Prisoner said "I'll change it;" upon which the prosecutor handed it to him, and he shoved off with it. Other witnesses represented the prisoner's statement to be that he had change. The prosecutor did not say what induced him to part with the money.

Held, that a conviction could not be sustained.

Case reserved from the Recorder's Court, Toronto. Indictment for obtaining money by false pretences.

The prisoner and one Conlin were in a boat on the bay. The prosecutor, Menzies and two companions were on the island, and agreed with those in the boat to take them to meet the steamer. Conlin, one of the two, said the charge would be 75 cents. At the steamer the prosecutor took out some silver, and handed to Conlin thirty-five or forty cents, being all the silver he had and took out a 2 dol. bill, saying he (prosecutor) would get it changed. Prisoner said, "I'll

change it." Prosecutor handed him the bill. He put it into his pocket and pushed off. Prosecutor asked him to return it. He said "No, we have earned it." He kept it.

Another witness swore that he heard Conlin say the charge was 75 cents, and prosecutor handed a 2 dols. bill to Conlin to change. Conlin handed it back, saying he could not change it. Prisoner said he would change it, and prosecutor handed it to him. Prisoner took it, saying it was well earned. Prosecutor asked him for the change. Prisoner told him his right name and where he lived, and they shoved off. The witness further said that the prisoner said he could change the bill, before it was given to him.

Conlin was called by the Crown. His evidence was the same in substance:—That after he had handed the bill to the prosecutor the latter said to prisoner, "Have you change?" Prisoner said "I think I have;" and prosecutor then gave him the bill. Prisoner put it in his pocket, pulled out some silver, and said, "I have not enough change;" and with that the boat being in danger of the steamer's paddles, Conlin shoved off. Prosecutor called them scoundrels, and prisoner called out his true name and residence, and told prosecutor if there was any change to come to him. Conlin said he considered the 75 cents was for himself; that the prisoner had some change, but not enough; prisoner told prosecutor it was little enough for their trouble.

Another witness said the prisoner said he could change the bill, and the prosecutor did not ask him. Another said that the prosecutor did ask him "Could he change it?" Prisoner said he thought he could, and prosecutor then gave him the bill. Prisoner put his hand into his pocket, and then said, "I can't change it." Conlin cried out, "Look out!" and the boat pushed off.

The learned Recorder explained the law as to larceny, and as to a conviction for false pretences, and asked the jury whether the prisoner represented to the prosecutor that he then had the change to give him for the bill, and if on that representation he obtained it for the alleged purpose of changing it; whether at the time he obtained it he really had the change mentioned, or was his representation in that respect false, and used as a pretence to get the bill;—if so, he would be guilty. That if he did not make such representation, or, if having so made it he did not obtain the bill from the prosecutor thereupon, or having obtained the bill on such representation, and having in fact the change to give, wrongfully withheld the change and retained the bill—in either of these instances the prisoner would not be guilty.

The jury convicted the prisoner, and the case was reserved for the opinion of this Court.

Doyle, for the prisoner, cited *Reed v. Goodall*, Russ. & Ry 461; *Reed v. Douglas*, 1 Moo. C. C. 462.

Robert A. Harrison, contra, cited *Reed v. Crossley*, 2 Moo. & Rob. 18; *Regina v. Giles*, 18 W. R. 327; *Reed v. Jackson*, 3 Camp. 370; *Regina v. Woolley*, 1 Den. C. C. 55; *Regina v. Hughes*, 1 F. & F. 355; *Regina v. Naylor*, 14 W. R. 58.

HAGARTY, J., delivered the judgment of the Court.

We think the learned Recorder correctly stated the law to the jury.

Sir William Erle said, in *Regina v. Giles*, "I take the law to be that there must be a false pretence of a present or a past fact, and a promissory pretence to do some act is not within the statute." And again he says, "Was the prosecutor induced by means of that false pretence, and on the faith of its being true, to part with the money?"

The "existing fact" pretended by the prisoner here is, that he had sufficient money to change the 2 dols. bill. There is evidence that the prisoner said he could change it, and that thereupon the prosecutor gave him the bill. And there is also evidence (Conlin's) that he had not the means of changing it.

It is singular that the prosecutor himself was apparently not asked, nor does he say what induced him to give the bill to the prisoner. He swore the latter said, "I'll change it," (not "I can change it,") and he then handed it to him. The direct evidence of the allegation that the prisoner averred he had the means of changing the bill, came from another witness.

The jury took the view of the evidence most unfavourable to the prisoner.

The case is open to the difficulty as to what induced the prosecutor to part with his money. If it was on a mere promise to get change, or to change it, the case would fail.

The testimony of the witnesses leaves the operating induce ment in the prosecutor's mind a matter of speculation. No one but himself could tell as a matter of fact what did so

act as an inducement, and he gives no account of it whatever.

In the very peculiar case of *Regina v. Giles*, where the charge was that defendant obtained money and clothes, pretending to the possession of supernatural power to bring back a truant husband to an ignorant wife, accompanied by a promise so to bring him back, the prosecutrix swore after narrating the conversation and the prisoner's assertion, "I parted with the money and the dress on the faith of what had passed between us on that first occasion."

As Cockburn, C.J., remarks it *Regina v. Mills*, 5 W. R. 528, "The question is whether the false representation is the motive operating on the mind of the prosecutor, and inducing him to part with the money." In that case, when the prosecutor parted with the money he was aware of the falsehood of the representation, and was laying a trap for the defendant, and an acquittal was directed.

If the prosecutor here had died before trial, and the rest of the evidence only had been given, there would be a difficulty as to the "motive operating" on his mind—whether it was the representation that the prisoner had the means to change, or whether it was merely his promise to change. The prosecutor's own statement is that the prisoner said, "I'll change it."

So in Mill's case, just mentioned, if the prosecutor had died before trial, and others present, who were not aware of what the prosecutor knew, but who proved the pretence, its falsehood, &c., and the payment of the money, a conviction obtained on their testimony would be clearly erroneous in fact.

In *Regina v. Hewgill*, 2 W. R. 278, the prosecutor swore it was partly on the alleged existing fact and partly from a receipt produced, and other things, that he parted with the money, and the jury found that the inducement was proved and acted on by the prosecutor; and this was upheld on a case reserved.

In the case before us we think the conviction for obtaining money on false pretences cannot be upheld, and must be quashed.

Conviction quashed.

OBITUARY.

MR. D. M. LOGIE.

The death of Donald Malcolm Logie, Esq., Judge of her Britannic Majesty's Supreme Consular Court, and Consul-General at Constantinople, took place on the 20th of August, at Weybridge, Surrey. Mr. Logie was called to the bar at the Middle Temple in May, 1846, and formerly practised as an equity draughtsman and conveyancer. He was appointed Law Secretary to the Supreme Consular Court of the Levant, at Constantinople, in September, 1857, and became Vice-Consul, Chanceller, and Registrar at Smyrna in March, 1861. On Sir Edmund Hornby's retirement, at the end of 1864, Mr. Logie succeeded him as Judge of the Supreme Consular Court and Consul-General at Constantinople.

MR. EDWARD CHAPPLLE.

This gentleman, a solicitor of the High Court of Bombay, died at that city on the 13th of July last. Mr. Chapple was formerly an officer in the 95th Foot, having received his commission as ensign in that corps in August, 1855, and was promoted to lieutenant in May, 1859. During his career in India he served with his regiment in the campaign in Rajpootana in 1858, and was present at the siege and capture of Anah and Kotah, the battle of Kotah—Re-Sera, and the general action resulting in the capture of Gwalior. At the siege of Anah he acted as staff-officer of the Rajpootana field force. A few years ago he relinquished the military profession, and was sworn in as a solicitor in the High Court of Bombay, having, before joining the army, obtained his certificate as an attorney. He was a captain in the Bombay Volunteer Rifles at the time of his death.

THE NEW JUDGES' LODGINGS AT LIVERPOOL.—The new judges' lodgings at Newsham House, in Newsham Park, just outside the town, have been occupied for the first time by Chief-Justice Bovill and Mr. Justice Smith, and it is said that their lordships and all who have visited them are more than satisfied with the liberality and good taste with which the establishment has been fitted up and furnished by the corporation.

PUBLIC COMPANIES.

ENGLISH FUNDS AND RAILWAY STOCK.

LAST QUOTATION, Aug. 29, 1867.

[From the Official List of the actual business transacted.]

GOVERNMENT FUNDS.

3 per Cent. Consols, 94½	Annuities, April, '85
Ditto for Account, Sep. 10, 94½	Do. (Red Sea T.) Aug. 1908
3 per Cent Reduced, 94½	Ex Bills, £1000, 4 per Ct.—pm
New 3 per Cent., 94½	Ditto, £500, Do pm
Do, 3½ per Cent., Jan. '94	Ditto, £100 & £200, — pm
Do, 2½ per Cent., Jan. '94	Bank of England Stock, 5½ per Ct. (last half-year) 243
Do, 5 per Cent., Jan. '93	Ditto for Account,
Annuities, Jan. '80—	

INDIAN GOVERNMENT SECURITIES.

India 54k, 10½ p Ct. Apr. '74, 222	Ind. Env. Fr., 5 p C., Jan. '72, 105½
Ditto for Account	Ditto, 5½ per Cent., May, '75, 108½
Ditto 5 per Cent., July, '80 113	Ditto Debentures, per Cent., April, '64—
Ditto for Account, —	Do. Do., 5 per Cent., Aug. '73
Ditto 4 per Cent., Oct. '88, 99½	Do. Bonds, 5 per Ct., £1000, pm
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000, pm
Ditto Enclosed Fpr., 4 per Cent. 87½	

RAILWAY STOCK.

Shares	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	83
Stock	Caledonian	100	109
Stock	Glasgow and South-Western	100	111
Stock	Great Eastern Ordinary Stock	100	30½
Stock	Do., East Anglian Stock, No. 2	100	6
Stock	Great Northern	100	116
Stock	Do., A Stock*	100	117½
Stock	Great Southern and Western of Ireland	100	98
Stock	Great Western Original	100	45
Stock	Do., West Midland—Oxford	100	27
Stock	Do., do.—Newport	100	29
Stock	Lancashire and Yorkshire	100	127½
Stock	London, Brighton, and South Coast	100	50½
Stock	London, Chatham, and Dover	100	15½
Stock	London and North-Western	100	116½
Stock	London and South-Western	100	85
Stock	Manchester, Sheffield, and Lincoln	100	47
Stock	Metropolitan	100	120
Stock	Midland	100	120
Stock	Do., Birmingham and Derby	100	90
Stock	North British	100	31
Stock	North London	100	137
10	Do., 1866	5	6½
Stock	North Staffordshire	100	65
Stock	South Devon	100	44
Stock	South-Eastern	100	67½
Stock	Taff Vale	100	152
10	Do., C	—	4 pm

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

Thursday Night.

There has been little business doing in the funds throughout the week, and no great or sudden change of prices has taken place; but the market has been slightly firmer than during the previous week. On Tuesday there was a slight rise in consequence of the French Emperor's speech at Lisle, which was construed favourably; but this was scarcely sustained.

To-day there has been a fall of nearly ½ per cent.

The condition of the foreign markets tells very unfavourably upon us.

Railway stocks have fluctuated throughout the week, according to the operations of speculators. To-day they are depressed.

The amount of gold sent into the Bank has been unusually large, and there is a very large amount on its way from Melbourne, besides other places.

There has been somewhat more demand for discount to-day, owing to settling-day in the Stock Exchange; but the glut of money still continues.

APPOINTMENT OF CORONER AT LIVERPOOL.—Yesterday the Liverpool Town Council unanimously agreed to appoint Mr. Clarke Aspinall, a local solicitor, to the office of coroner for the borough of Liverpool, which was vacant in consequence of the death of Mr. P. F. Curry. There were six other candidates, two of whom, Mr. Wybergh and Mr. Wier Anderson, retired in Mr. Aspinall's favour, and made no application to the council; the other four were Dr. Gee, and Messrs. W. W. Driffield, Ogden, Bolton, and Joseph Devey. The council purpose to give the new coroner a salary of £800 per annum, with allowance for clerks, &c., and liberty to pursue his own professional business; it being understood, should the council deem it expedient afterwards, that the whole time of the coroner should be absorbed by the duties of his office, the salary should be increased accordingly. Mr. Aspinall is a man of energy and talent, and was until recently a valuable member of the local town council, and is the secretary to the Mercantile Marine Service Association of Liverpool. His brother, Mr. J. B. Aspinall, is the recorder of the borough.

ESTATE EXCHANGE REPORT.

AT THE MART.

Aug. 20.—By Messrs. GADDEN, ELLIS, & SCOTT. Leasehold residence, No. 70, Gower-street, Bedford-square; term, 15 years unexpired, at £15 16s. per annum—Sold for £550.

Leasehold stabling and coach-house, No. 39, Chenies mews, Gower-street, let at £23 per annum—term, 14 years unexpired at £4 10s. per annum—Sold for £220.

Aug. 22.—By Messrs. DAIVER & CO.

Freehold and Leasehold property, known as the Richmond-hill Hotel, Richmond, Surrey, comprising a noble building with lawn and shrubbery, containing about two acres—Sold for £630, subject to a mortgage of £3 000 and interest.

Copshold, 2a 3r 20p of market garden ground, situate in Sandy Combe, Twickenham, let at £17 10s. per annum—Sold for £1,060.

Copshold, 0a 1r 20p of garden ground, situate on the road from Twickenham to Isleworth, let at £3 11s. 6d. per annum—Sold for £200.

Aug. 27.—By Messrs. DEBBENHAM, TROWSON, & FARMER.

Freehold residence, No. 4, Fairlawn, Merton, Surrey—Sold for £380.

Leasehold residence, No. 15, Montpelier-row, Blackheath, annual value £150; term, 9½ years unexpired, at £10 per annum—Sold for £600.

Leasehold business premises, No. 12, Bedford-street, Covent-garden, let at £130 per annum; term, 26½ years from 1858, at £50 per annum—Sold for £630.

AT THE GUILDHALL COFFEE HOUSE.

Aug. 27.—By Messrs. BROAD, FITCHARD, & WILTSHIRE.

Leasehold stable, No. 6, Bristol-mews, Paddington, let at £30 per annum; term, 95 years from 1855, at a peppercorn—Sold for £310.

Leasehold house, No. 3, Palmerston-terrace, Cambridge-street, Grosvenor-park, Walworth, let at £36 per annum; term, 9½ years from 1854, at £3 per annum—Sold for £190.

BIRTHS, MARRIAGES, AND DEATHS.

MARRIAGES.

CROZIER—WHITTON.—On Aug. 27, at the Cathedral, Bangor, North Wales, William Crozier, Esq., LL.D., Barrister-at-Law, Dublin, to Susanna Sophia, daughter of the late Charles Whitton, Esq., of Mountjoy-square.

GRAHAM—ORFORD.—On Aug. 24, at St. Mathew's, Ipswich, Suffolk, William Graham, Esq., Barrister-at-Law, of the Inner Temple, to Sarah Ann, daughter of John Orford, Esq., of Brooks-hall, Ipswich.

HAINES—RICE.—On Aug. 21, at Holy Trinity Church, Kiburn, Edward Walter Haines, Esq., Solicitor, son of Edward Walter Haines, Esq., Solicitor, of Kiburn, and 16, Great Marlborough-street, to Catherine, only child of the late S. F. Rice, Esq., of Priory-road, Kiburn.

NEILSON—CUMMING.—On Aug. 1, at Mayfield-terrace, Edinburgh, John Neilson, Esq., Writer to the Signet, Edinburgh, to Lizzie Maxton, daughter of the late John Barr Cumming, Esq., of Lloyd's of Greenock.

PHILBRICK—STIFF.—On Aug. 20, at Holy Trinity Church, Barnstaple, Charles Stewart Smyth, Esq., Solicitor, London, to Charlotte Elizabeth Carleton, daughter of the late Z. Carlton Stiff, Esq., of Barnstaple.

TWELLS—HUGHES.—On Aug. 20, at the Westgate Chapel, Lincoln, Lydia, daughter of C. L. Hughes, Esq., Solicitor, Lincoln, to the Rev. John Jennings Twells, of Kentish-town, London.

WEATHERALL—EMMEL.—On Aug. 24, at St. Peter's, Bayswater, Frederick Weatherall, Esq., of Highbury New-park, and the Temple, to Helen Augusta, daughter of the late Herrn P. P. Emmel, of Rheinböller, Rhenish Prussia.

YOUNG—YOUNG.—On Aug. 28, at St. Saviour's, Paddington, the Rev. F. W. Young, M.A., of Etonhurst, Great Malvern, to Jane Catherine, daughter of Robt. Young, Esq., Solicitor, Delamere-terrace, Hyde-park.

DEATHS.

BULLAR.—On Aug. 23, at Bassett-wood, near Southampton, John Bullar, Esq., Barrister-at-Law, one of the Benchers of the Hon. Society of Gray's-inn, aged 60.

MACKAY.—On Aug. 6, at Northfield, Minnesota, U.S.A., Sheridan K. Mackay, Esq., Barrister-at-Law, son of T. M. Mackay, Esq.

PASHLEY.—On Aug. 26, Henry Pashley, Solicitor, Esq., of Harness-grove, near Worksop, and of Sheffield.

SHORTER.—On Aug. 24, at Hastings, Mary Theodora, wife of John P. Shorter, Esq., Solicitor, aged 25.

SMYTH-KING.—On Aug. 23, at his residence, Wellington-road, Dublin, James Smyth-King, Esq., Barrister-at-Law.

LONDON GAZETTES.

Friendly Societies Dissolved.

TUESDAY, Aug. 27, 1867.

New Mount Edgcumbe Friendly Society, Cooper's Arms Tavern, Millbrook, Corwall. Aug. 21.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Aug. 27, 1867.

Thorpe, Wm, Thorne, York, Gent. Oct 1. Richardson v Thorpe, V.C. Wood.

Penn, Granville John, Isle of Portland, Dorset, Esq. Oct 19. Hanrott v Forbes, V.C. Stuart.

Wood, Richd, Rhayader, Radnor, Gent. Oct 19. Jones v Picklay, V.C. Stuart.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, Aug. 23, 1867.

Band, Jas, Gloucester, Innkeeper. Oct 10. Lovegrove, Gloucester.

Brown, John, Camden-st, Camden-town. Railway Messenger. Oct 31. Chilton & Co, Chancery-lane.

Carter, Eliz, Howden, York, Spinster. Sept 23. England & Son.

Chorley, Jane, Monton-green, Lancaster, Spinster. Nov 15. Darbyshire & Ashworth, Manch.

Clark, Joseph, Doncaster, York, Tanner. Nov 23. Fisher.
 Cropper, Hannah, Maida-hill, Regent's-pk, Widow. Sept 15. Bell,
 Louth.
 Fagg, Geo, Acre-lane, Brixton, Gent. Sept 20. Lowleas & Co, Grace-
 church-st.
 James, Hy, Albion-cottage, Nunhead, Peckham-rye, Gent. Dec 1.
 Baker, Fish-st-hill.
 Jordan, Alfred, Oxford-st, Victualler. Sept 30. Martineau & Reid
 Raymond-buildings, Gray's-inn.
 Moloskey, Patrick, Waterloo, Lancaster, M.D. Sept 25. Teebay &
 Lynch, Lpool.
 Raymond, Anna, Tunbridge Wells, Kent, Widow. Oct 8. Currie &
 Williams, Lincoln's-inn-fields.
 Tessier, Louis, St Leonard's-on-Sea, Sussex, Gent. Sept 14. Wright
 & Bonner, London-st, Fenchurch-st.
 Wright, Betsy, Moscow-rd, Bayswater. Nov 20. Gray & Berry,
 Edgware-rd.

TUESDAY, Aug. 27, 1867.

Ainsley, John, Leeds, Fishmonger. Nov 30. Horner, Manch.
 Bottey, Fanny, Coton-hill, Stafford, Widow. Oct 8. Phillips, Shifnal.
 Bullmore, Hy Orlando, Budock, Cornwall, Solicitor. Sept 21.
 Coupland, Richd, Skellingthorpe, Lincoln, Esq. Oct 1. Moore, Lin-
 coln.
 Fenwick, John, Newcastle-upon-Tyne, Attorney-at-Law. Oct 1.
 Falconer, Newcaste-upon-Tyne.
 Fisher, Ellis, Croydon, Surrey, Widow. Oct 1. Taylor, South-st,
 Finsbury-sq.
 Fleming, Patrick, Lpool, Brewer's Manager. Sept 25. Teebay & Lynch,
 Lpool.
 Grant, Wm, Withern, Lincoln, Esq. Oct 11. Bell, Louth.
 Grimshaw, Mary, Leeds. Oct 15. Payne & Co, Leeds.
 Halstead, Isaac, Horton, York, Gent. Oct 1. Humble, Bradford.
 Hotham, Jas Edwd, Leeds, Warehouseman. Oct 1. Payne & Co,
 Leeds.
 Hutchinson, Thos Jas, March, Cambridge. Nov 30. Woodward,
 March.
 Lyon, Hy, Hong Kong, China, Physician. Oct 31. Dye, King's Bench-
 walk, Temple.
 Macrae, Eliz, Bristol, Widow. Oct 1. Jacques, Bristol.
 Poole, Thos, Croydon, Surrey. Sept 30. Beddome, Nicholas-lane,
 Lombard-st.
 Wilson, Thos, Gloucester-sq, Hyde-pk, Esq. Oct 1. Cunliffe &
 Beaumont, Chancery-lane.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Aug. 28, 1867.

Arnold, Hy, Maida-hill West, Solicitor's Clerk. Aug 15. Asst. Reg
 Aug 21.
 Atwater, Jas Wm, George-st, Woolwich, Grocer. Aug 16. Comp.
 Reg Aug 22.
 Balshaw, Pass, & Edwd Balshaw, Manch, Comm Agents. Aug 17.
 Comp. Reg Aug 21.
 Burroughs, Sieph Barnabas, Union-st, Southwark, Baker. Aug 1.
 Comp. Reg Aug 22.
 Baxter, Wm, Manch, Screw Bolt Manufacturer. Aug 17. Comp.
 Reg Aug 22.
 Cheetham, Edwd, Manch, Waste Dealer. Aug 17. Comp. Reg
 Aug 21.
 Clark, Geo, Scarborough, York, Chemist. Aug 16. Asst. Reg
 Aug 22.
 Cohen, Nathaniel, Prescott-st, Goodman's-fields, Clothier. Aug 21.
 Comp. Reg Aug 22.
 Cowlishaw, Chas, Sheffield, Provision Dealer. July 23. Asst. Reg
 Aug 21.
 Crouch, Geo, Bristol, Baker. Aug 8. Asst. Reg Aug 20.
 Dawes, Richd, Belgrave-rd, Abbey-rd, St John's-wood, Surgeon. Aug
 15. Comp. Reg Aug 21.
 Deards, John, Regent-st, Mile-end-rd, Hay Dealer. Aug 12. Comp.
 Reg Aug 22.
 Evans, Richd, Wolverhampton, Stafford, Ironfounder. Aug 13. Asst.
 Reg Aug 21.
 Faunthorpe, Wm, Gt Grimsby, Lincoln, Smack Owner. Aug 8. Comp.
 Reg Aug 23.
 Pawlett, Hy Hayton, Lloyd's Coffee-house, Underwriter. July 26.
 Inspectorship. Reg Aug 20.
 Green, Jas King's Norton, Worcester, Brick Maker. Aug 5. Comp.
 Reg Aug 21.
 Haden, John, Birm, Carriage Lamp Manufacturer. Aug 21. Comp.
 Reg Aug 22.
 Halstead, David, & Thos Banks, Manch, Dyers. Aug 21. Comp.
 Reg Aug 22.
 Harris, Rev Fredi Walpole, Llandaff, Brecon, Clerk. July 24.
 Asst. Reg Aug 21.
 Harvey, Wm, Newport, Isle of Wight, Butcher. Aug 16. Asst. Reg
 Aug 23.
 Hemsley, John Wm, Leeds, Plumber. Aug 14. Conv. Reg Aug 21.
 Hickey, Robt, Clifton, Bristol, Foreman. Aug 22. Comp. Reg
 Aug 23.
 Jackson, Hy Pilkington, Low Harrogate, York, Printer. Aug 10.
 Asst. Reg Aug 22.
 Keane, Edwd, Bath, Somerset, Chemist. July 26. Asst. Reg Aug 22.
 Lambert, Thos, Cuthbert-st, Hall-pk, Edgware-rd, Grocer. Aug 22.
 Comp. Reg Aug 23.
 Louis, Morris Hy, Queen's-rd, Dalston, out of business. Aug 14.
 Comp. Reg Aug 23.
 Madison, Wm, Horncastle, Lincoln, Boot Maker. July 27. Asst.
 Reg Aug 22.
 Makin, Edwin John, Sheffield, Silver Plater. July 24. Asst. Reg
 Aug 21.
 Mellor, Wm Oldham, Lancaster, Publican. Aug 2. Asst. Reg
 Aug 23.
 Molyneux, Geo, Ormskirk, Lancaster, Grocer. July 27. Asst. Reg
 Aug 22.
 Osborne, Chas, Albert-villas, Croydon-grove, Croydon, Accountant.
 Aug 12. Comp. Reg Aug 23.
 Page, Saml, Northampton, Tailor. July 29. Comp. Reg Aug 23.

Phelps, Fredk, St John-st-rd, Clerkenwell, Optician. Aug 2. Asst.
 Reg Aug 20.
 Potter, Jas, Buncorn, Chester. Aug 5. Asst. Reg Aug 21.
 Prior, Fredk Chas, Westminster-bridge-rd, Lambeth, Tobacconist.
 Aug 17. Comp. Reg Aug 22.
 Reville, Wm, Woodbridge, Suffolk, Grocer. July 23. Asst. Reg
 Aug 20.
 Smith, Thos, Tunstall, Stafford, Grocer. July 31. Comp. Reg
 Aug 22.
 Suffield, John, Birm, Draper. Aug 9. Comp. Reg Aug 23.
 Taylor, Wm, Montague-pk, Poplar, Shipwright. Aug 6. Conv. Reg
 Aug 21.
 Thorne, Wm Hy, Upper Russell-st, Bermondsey, Drysaler. July 24.
 Comp. Reg Aug 20.
 Trotter, Fredk, Cinderford, Gloucester, Grocer. Aug 9. Asst. Reg
 Aug 20.
 Welsh, Geo, Three Colt-st, Limehouse, Fishmonger. Aug 21. Comp.
 Reg Aug 23.
 Westcott, Joseph, Abbey-st, Bermondsey, Baker. Aug 9. Comp.
 Reg Aug 22.
 Whiteley, Richd Hy, Eland, York, Woolen Manufacturer. July 29.
 Asst. Reg Aug 23.

TUESDAY, Aug. 27, 1867.

Baghurst, Geo, Manch, Shoemaker. Aug 1. Asst. Reg Aug 24.
 Bannister, Jas Wm Courtney Waits, Harrison Waits, Isaac Arnett
 Crane, Wm Brown, Dickson Augustus Given, & David Waits,
 Lpool, Merchants. Aug 22. Inspectorship. Reg Aug 27.
 Barker, Hy, Sheffield, Butcher. Aug 1. Comp. Reg Aug 27.
 Bartlett, John Domett, York-rd, Timber Merchant. Aug 14. Comp.
 Reg Aug 27.
 Beardell, Jas, Alfd Beardell, & Wm Hy Beardell, Holmes, nr Hud-
 derfield, York, Manufacturers. Aug 2. Asst. Reg Aug 27.
 Fowne, Wm, & Thos Blight, Penzance, Cornwall, Drapers. July 24.
 Asst. Reg Aug 21.
 Brameld, Wm Geo, & Jas Steel, Kingston-upon-Hull, Ginger Beer
 Manufacturers. July 27. Asst. Reg Aug 23.
 Bond, Geo Hickman, Briton Ferry, Glamorgan, Mining Engineer.
 July 30. Asst. Reg Aug 27.
 Brown, Joseph, & Geo Brown, Bradford, Worstead Spinners. July 30.
 Asst. Reg Aug 26.
 Campbell, Thos, Leeds, Hatter. Aug 16. Comp. Reg Aug 26.
 Chester, Robt, Bath, Somerset, Lieut.-Col. Aug 12. Comp. Reg
 Aug 24.
 Coffey, John Ambrose, South Grove-East, Mildmay-pk, Engineer.
 Aug 21. Comp. Reg Aug 26.
 Cowley, Pierce, Lpool, Ironmonger. Aug 10. Comp. Reg Aug 23.
 Cox, Hy John, Birm, Patent Coffin Manufacturer. Aug 10. Asst.
 Reg Aug 26.
 Crighton, Edwin, Manch, Warehouseman. Aug 12. Asst. Reg
 Aug 24.
 Dalton, Chas Stanley, Hanway-st, Oxford-st, Stationer. Aug 3.
 Dence, Comp. Reg Aug 22.
 Dence, John, Gracechurch-st, Engineer. July 29. Comp. Reg
 Aug 24.
 Dunn, Saml, Winchester-house, Old Broad-st, Silk Merchant. July 29.
 Asst. Reg Aug 26.
 Eastham, Thos, Lytham, Lancaster, Innkeeper. Aug 3. Asst. Reg
 Aug 27.
 Ellis, Edwd Geo, Henrietta-st, Manchester-sq, Carpenter. Aug 1.
 Comp. Reg Aug 27.
 Fox, John, Manchester-mews North, Livery Stable Keeper. July 27.
 Comp. Reg Aug 24.
 Gorman, Eliz Ann O, Southport, Lancaster, Milliner. Aug 8. Asst.
 Reg Aug 23.
 Gough, Wm, Slough, Berks, Clothier. Aug 22. Comp. Reg Aug 27.
 Grisdale, Simeon, Slough, Buckingham, Draper. Aug 12. Comp.
 Reg Aug 26.
 Groom, Josiah, Shrewsbury, Salop, Photographer. Aug 23. Comp.
 Reg Aug 24.
 Habgood, Wm Jas, Dagenham, Essex. Aug 1. Comp. Reg Aug 26.
 Henderson, Andrew, Gt Winchester-st, Nautical Engineer. July 25.
 Comp. Reg Aug 21.
 Hogg, Geo, Newcastle-upon-Tyne, Cartwright. Aug 1. Comp. Reg
 Aug 26.
 Hill, Jas, Gateshead, Durham, Commercial Traveller. Aug 30. Asst.
 Reg Aug 27.
 Hughes, Elijah, Burmaston, Stafford, Earthenware Manufacturer. July
 36. Asst. Reg Aug 26.
 Hyder, Wm, & Jonathan Hyder, Crouch, Kent, Builders. Aug 1.
 Asst. Reg Aug 23.
 Ivey, John, Kingston, Southampton, Beer Retailer. Aug 15. Asst.
 Reg Aug 26.
 Jones, Robt Lewis, & Walter Jones, Wolverhampton, Stafford,
 Engineers. Aug 1. Comp. Reg Aug 23.
 Jordan, John Israel, Crisp-st, Poplar, Baker. Aug 23. Comp. Reg
 Aug 27.
 Lambert, Wm, Argyle-st, Regent-st, Foreign Warehouseman. Aug
 6. Comp. Reg Aug 26.
 Marshall, Thos, Merchant-st, Bow, Draper. July 31. Asst. Reg
 Aug 23.
 Massey, Robt, Birm, Auctioneer. Aug 23. Comp. Reg Aug 26.
 Moody, Thos Huggins, Freshwater, Isle of Wight, Grocer. Aug 17.
 Asst. Reg Aug 24.
 Newby, Wm, Snaith, York, Linendraper. Aug 4. Asst. Reg
 Aug 23.
 Ochiltree, Edwd, Sunderland, Durham, Grocer. Aug 19. Comp. Reg
 Aug 26.
 Onions, Saml, Wednesbury, Stafford, Grocer. Aug 1. Comp. Reg
 Aug 24.
 Phillips, Barnet Lawrence, New London-st, Merchant. Aug 21. Comp.
 Reg Aug 24.
 Perkins, John Wm, Harris-rd, Herne-hill, Professor of Chemistry.
 Aug 6. Comp. Reg Aug 27.
 Pillow, Richd Ball, Manch, Shawl Manufacturer. Aug 6. Comp. Reg
 Aug 26.
 Poole, John, King's-armes-yd, Bill Broker. Aug 21. Comp. Reg
 Aug 27.

- Richardson, John, Newcastle-upon-Tyne, Shoemaker. Aug 15. Asst. Reg Aug 24.
 Sabel, Ephraim, Moorgate-st, Merchant. July 29. Inspectorship. Reg Aug 26.
 Saunders, Walter John Bull, Ryde, Isle of Wight, Butcher. July 31. Comp. Reg Aug 26.
 Schorey, Wm Hy, Newcastle-upon-Tyne, Licensed Victualler. Aug 8. Asst. Reg Aug 27.
 Sheffield, Chas Hy, Bushy-pk-villas, Teddington, Clerk. July 26. Asst. Reg Aug 23.
 Skinn, Wm, Beverley, York, Butcher. Aug 23. Comp. Reg Aug 27.
 Smadley, Herbert, Coleman-st, Insurance Agent. Aug 20. Comp. Reg Aug 23.
 Thomas, Job, Newport, Monmouth, Marble Mason. July 30. Asst. Reg Aug 26.
 Tovey, Danl, Newport, Monmouth, Undertaker. Aug 2. Comp. Reg Aug 27.
 Tucker, Alfred, Teignmouth, Devon, Licensed Victualler. Aug 19. Comp. Reg Aug 24.
 Urwin, Edwd, Whitchy, York, Jet Ornament Manufacturer. July 30. Conv. Reg Aug 27.
 Walters, Dani, Westleigh, Devon, Coal Dealer. Aug 19. Comp. Reg Aug 26.
 Wesley, Wm, Fleet-st, Bookseller. July 27. Comp. Reg Aug 23.
 West, Geo, Manch, Carver. July 31. Comp. Reg Aug 27.
 White, By, Kingston-upon-Hull, Draper. Aug 13. Comp. Reg Aug 24.
- Bankrupts.**
- FRIDAY, Aug. 23, 1867.
- To Surrender in London.
- Allen, Richd, Stoke, Kent, Baker. Pet Aug 20. Murray. Sept 5 at 12. Acworth & Son, Rochester.
- Baker, John, Stonesfield, Oxford, Publican. Pet Aug 20. Murray. Sept 5 at 1. Edwards, Bush-lane, Cannon-st.
- Blankarn, John, Prisoner for Debt, London. Pet Aug 17 (for pan). Brougham. Sept 5 at 12. Poole, Stratford.
- Body, John Noel, Prisoner for Debt, London. Adj Aug 17. Roche. Sept 4 at 1.
- Brown, Richd, Clapham-pk-rd, Coach Builder. Pet Aug 20. Murray. Sept 5 at 12. Scarth, Webcock-st, Cavendish-sq.
- Casswell, Brafford, Prisoner for Debt, Northampton. Adj Aug 9. Pepys. Sept 3 at 11.
- Cheatham, Frae Geo, Hanibal-row, Mile-end, out of employment. Pet Aug 20. Pepys. Sept 3 at 12. Hall, Coleman-st.
- Clements, Hy Geo, Prisoner for Debt, London. Adj Aug 17. Roche. Sept 4 at 1.
- Copper, Jas Elieser, Prisoner for Debt, Maidstone. Adj Aug 18. Roche. Sept 5 at 11.
- Dew, Wm, Hitchin, Herts, Bootmaker. Pet Aug 20. Murray. Sept 5 at 1. Marshall, Lincoln's-inn-fields.
- Fenner, John Fredk, Lower Liason-st, Liason-grove, Vocalist. Pet Aug 20. Murray. Sept 5 at 12. Wilding, Titchborne-st, Edgware-rd.
- Flint, John, Lewisham, Kent, Builder. Adj Aug 15. Roche. Sept 5 at 12.
- Frost, Thea, Wellington-rd, Holloway, out of business. Pet Aug 20. Murray. Sept 5 at 1. Heathfield, Lincoln's-inn-fields.
- Golding, Wm, Hadley, Hartford, Butcher. Pet Aug 16. Murray. Sept 4 at 12. Earle, Bedford-row.
- Gregory, Thos, Beaumont-st, Caledonian-rd, Baker. Pet Aug 18. Murray. Sept 4 at 1. Olive, Portsmouth-st, Lincoln's-inn-fields.
- Harmar, Wm, Prisoner for Debt, Maidstone. Adj Aug 15. Roche. Sept 5 at 11.
- Hart, Geo, Leadenhall-market, Butcher. Pet Aug 2. Pepys. Sept 3 at 11. Champion & Co, Whitechapel-rd.
- Hassell, Thos Jas, Church-st, Deptford, Chandler's Shop-keeper. Pet Aug 19. Powell. Sept 5 at 11. Hope, Ely-pl, Holborn.
- Heil, Jacob Wm, Prisoner for Debt, Maidstone. Adj Aug 15. Pepys. Maidstone, Sept 3 at 11.
- Hicks, Robt, Little Albany-st, out of business. Pet Aug 19. Murray. Sept 5 at 11. Apps, South-sq, Gray's-inn.
- Hockwold, John, Brighton, Sussex, Foreman. Pet Aug 19. Murray. Sept 4 at 1. Harrison, Basinghall-st.
- Jenkins, Geo Washington, Torrington-pl, Finchley, Builder. Pet Aug 19. Murray. Sept 5 at 11. Doble, Basinghall-st.
- Jones, Thos Ellis, North-bidge, Finsbury-circus, Dealer in Silk. Pet Aug 21. Murray. Sept 4 at 11. Dubois & Maynard, Church-passage, Gresham-st.
- Johnson, John, Auckland-rd, Victoria-pk-rd, out of business. Pet Aug 20. Sept 5 at 12. Pittman, Guildhall-chambers.
- Lockwood, Fredk Boscroft, Gray's-inn-rd, Auctioneer. Pet Aug 15. Pepys. Sept 3 at 1. Faversham, Coleman-st.
- Miles, Wm Hy, Prisoner for Debt, Maidstone. Adj Aug 15. Sept 3 at 11.
- Munson, Eliz, Upper Bedford-pl, Russell-sq, out of business. Pet Aug 20. Murray. Sept 10 at 11. Peachev, Salisbury-sq.
- Netting, Richd, Prisoner for Debt, London. Pet Aug 19. Sept 5 at 12. Hensman & Nicholson, College-hill.
- Nicholas, Wm, Artillery-row, Westminster, Coach Builder. Pet Aug 19. Murray. Sept 5 at 11. Roberts, Clement's-inn, Strand.
- Pearce, Wm, Goswell-road, General Dealer. Pet July 23. Pepys. Sept 3 at 12. Drake, Basinghall-st.
- Poole, John Thos, Prisoner for Debt, London. Adj Aug 17. Roche. Sept 4 at 1.
- Punchard, Chas, Haverhill, Suffolk, Merchant. Pet Aug 19. Murray. Sept 4 at 1. Mossop, Ironmonger-lane.
- Rivers, Joseph, Dean-st, St George's-inn-the-East, Beer Retailer. Pet Aug 21. Murray. Sept 10 at 11. Daniels & Co, Fere-st.
- Rozers, Geo, sen, Queen's-row, Cambridge-road, Mile-end, Builder. Pet Aug 15. Pepys. Sept 3 at 1. Daniels & Co, Fere-st.
- Saunders, Joseph, Gray's-pl, Kilburn, Coffeehouse Keeper. Pet Aug 20. Murray. Sept 5 at 12. Marshall, Lincoln's-inn-fields.
- Sherrin, Geo, Providence-pl, Whitehorse-rd, Croydon, Tailor. Pet Aug 21. Murray. Sept 5 at 12. Parry, Craydon.
- Smith, Wm, Green-st, Clerkenwell, Gold Chain Manufacturer. Pet Aug 20. Murray. Sept 5 at 1. Doble, Basinghall-st.
- Smith, Charles John, Essex-rd, Islington, Builder. Pet Aug 15. Pepys. Sept 3 at 1. Murr, East India-chambers, Whitefriars-st.
- Smith, Hy Bedwell, Wycombe-ter, Hornsey-rd, Grocer. Pet Aug 15. Murray. Sept 5 at 1. Preston & Dorman, Basinghall-st.
- Tydenam, Joseph, Chipping Ongar, Essex, Coal Agent. Pet Aug 20. Murray. Sept 5 at 1. Preston & Dorman, Basinghall-st.
- Wadson, John, Albion-cottages, Albion-rd, Hammersmith, Carpenter. Pet Aug 19. Murray. Sept 5 at 1. Pitman, Gullidale-chambers, Basinghall-st.
- Webb, Wm, Holmer-rd, Hackney Wick, Grocer. Pet Aug 16. Murray. Sept 4 at 1. Tripp, Chancery-lane.
- Wisher, John, Queen's-ter, Bayswater, Coach Smith. Pet Aug 21. Murray. Sept 13 at 11. Tyrrell, Gray's-inn-sq.
- To Surrender in the Country.
- Beaumont, Jos, Rawmarsh, York, Miner. Pet Aug 21. Hoyle, Rotherham. Sept 9 at 3. Roberts, Rotherham.
- Bolas, Thos, Field Aston, Sale, Shoe Maker. Pet Aug 21. Liddle, Newport, Sept 4 at 10.
- Bromley, Thos Bailey, Southport, Lancaster, no business. Pet Aug 20. Lpool, Sept 9 at 12. Best, Lpool.
- Michael, Prisoner for Debt, Walton. Adj Aug 15. Hime, Lpool. Sept 10 at 3.
- Carney, Jas, Hulme, nr Manch, Beerseller. Pet Aug 20. Hulton, Salford, Sept 7 at 9.30. Gardner, Manch.
- Clarke, Joseph, Nottingham, Lace Designer. Pet Aug 20. Pachitt, Nottingham, Oct 9 at 11. Belk, Nottingham.
- Cley, Jane, Netherdale, Leicester, out of business. Pet Aug 21. Birm, Sept 17 at 11. Wood, Tamworth.
- Cooper, Hannah Derby, Adj Aug 12. Dyson, Halifax, Sept 13 at 16. Storey, Halifax.
- Corrie, Robt, Bredbury, Chester, Publican. Pet Aug 20. Cockpeck, Stockport, Sept 6 at 12. Sale & Co, Manch.
- Davie, Walter, Aston, Warwick, Factor. Pet Aug 20. Birm, Sept 6 at 12. Fallows, Birm.
- Ditchfield, Geo Preescott, sen, Seacombe, Chester, Clerk. Adj July 13. Wasen, Birkenhead, Sept 4 at 10. Barker, Lpool.
- Dowler, John, Prisoner for Debt, Lancaster. Adj Aug 14. Hime, Lpool, Sept 6 at 3.
- Edwards, Jas, Lpool, Butcher. Pet Aug 20. Hime. Lpool, Sept 4 at 3. Webster, Lpool.
- Foulkes, John, Lpool, Warehouse Porter. Pet Aug 21. Hime. Lpool, Sept 3 at 3. Sherratt, Wrexham.
- Frost, John Thomas, Newton Abbot, Devon, Innkeeper. Pet Aug 14. Exeter, Sept 3 at 12. Clarke.
- Godrich, Thos, Leicester, Cordwainer. Pet Aug 21. Ingram, Leicestershire, Sept 28 at 10. Petty, Leicestershire.
- Griffiths, Jas Loveday, Prisoner for Debt, Lancaster. Adj Aug 14. Hime, Lpool. Sept 6 at 3.
- Griffiths, Mary, Yscloeg, Flint, Grocer. Pet Aug 19. Holywell, Sept 14 at 11. Davies, Holywell.
- Hargrave, John, Newark-upon-Trent, Nottingham, Ironmoulder. Pet Aug 21. Newton, Newark, Sept 4 at 12. Ashley, Newark.
- Hare, Maria, Farnham Royal, Buckingham, Licensed Victualler. Pet Aug 19. Windsor, Sept 5 at 11. Phillips, Windsor.
- Holin, Joseph Chas, Prisoner for Debt, Lancaster. Adj May 15. Hime, Lpool, Sept 9 at 3. Norden, Lpool.
- Henley, Joseph, Willenhall, Stafford, Bootmaker. Pet Aug 8. Birm, Sept 6 at 12. Barrow, Wolverhampton.
- Hope, John, Darlington, Durham, Bearhouse Keeper. Pet Aug 20. Bowes, Darlington, Sept 4 at 11. Clayhills, Darlington.
- Hough, Alfred Jas, Bournemouth, Southampton, Bookseller. Pet Aug 21. Christchurch, Sep 6 at 3. Sharp, Christchurch.
- Illingworth, Alfred, Manch, Comm Agent. Pet Aug 17. Kay, Manch, Sept 3 at 9.30. Smith & Boyer, Manch.
- Jackson, David, Prisoner for Debt, Leicestershire. Adj Aug 16. Ingram, Leicestershire, Sept 3 at 10. Haxby, Leicestershire.
- Jackson, Wm Ernest, Prisoner for Debt, Lancaster. Adj July 19. Murray, Manch, Sept 17 at 11.
- Jenkins, Thea, Ynyscwyddwg, Glamorgan, Boatman. Pet Aug 19. Spickett, Pontypridd, Sept 4 at 12. Plevs, Merthyr.
- Johnson, Richd, Harford, Tailor. Pet Aug 10. Birm, Sept 6 at 12. Heslop, Strand.
- Kestring, John, Carlisle, Innkeeper. Pet Aug 17. Halton, Carlisle, Sept 4 at 12. Wannop, Carlisle.
- King, Wm, Stokesley, York, Innkeeper. Pet Aug 22. Leeds, Sept 5 at 11. Cariss & Tempsett, Leeds.
- Kirk, Edwd, Shipston-on-Stour, Worcester, Innkeeper. Pet Aug 16. Nicol, Shipston-on-Stour, Sept 4 at 12. Kilby, Banbury.
- Lawson, John, Low Coniscliffe nr Darlington, Durham, Farm Bailiff. Pet Aug 20. Bowes, Darlington, Sept 4 at 10. Robinson, Darlington.
- Lee, Saml, Fowey, Cornwall, Rope Maker. Pet Aug 15. Carleton, St Austell, Sept 6 at 12.30. Sohey, Fowey.
- Marsh, Saml, Prisoner for Debt, Nottingham. Adj Aug 20. Tudor, Nottingham, Sept 17 at 12. Maples, Nottingham.
- Mellor, Eliz Ann, Prisoner for Debt, Manch. Adj Aug 14. Murray, Lancaster, Sept 3 at 11.
- Mitchelson, John, Quebec, Durham, Butcher. Pet Aug 21. Gibson, Newcastle-upon-Tyne, Sept 17 at 11.30. Brignal, Durham.
- Osmond, Edwd Hy, Morice-town, Devon, Oilman. Pet Aug 19. Pearce, East Stonehouse, Sept 2 at 10.30. Fowler, Plymouth.
- Oswald, Geo Hy, Heston-le-Hole, Durham, Bootmaker. Pet Aug 19. Gibson, Newcastle-upon-Tyne, Sept 17 at 12. Oliver, Sunderland.
- Palliser, Wm, Lintz Ford, Durham, Paper Maker. Pet Aug 21. Shropshire bridge, Sept 10 at 11. Robson, Gateshead.
- Perry, Wm Hedditch, Crewkerne, Somerset, Builder. Adj Aug 14. Sparks, Crowkerne, Sept 3 at 11.
- Porteous, Geo, Worcester, Working Jeweller. Pet Aug 20. Crisp, Worcester, Sept 3 at 11. Tree, Worcester.
- Powell, Ann, Brougham Court, Radnor, Housekeeper. Pet Aug 20. Williams, Hay, Sept 6 at 6.30. Bishop, Brecon.
- Roberts, Wm, Seacombe, Chester. Pet Aug 21. Wason, Birkenhead, Sept 4 at 10. Bellinger, Lpool.
- Shaw, John, jun, Prisoner for Debt, Lancaster. Adj Aug 14. Kay, Manch, Sept 3 at 9.30.
- Sheard, Saml, Batley, York, Cotton Warp Dealer. Pet Aug 12. Leeds, Sept 6 at 11. Scholefield, Batley.

Shillinglaw, Hy, Birkenhead, Chester, Painter. Pet Aug 19. Wason, Birkenhead, Sept 4 at 10. Anderson, Birkenhead.
 Standley, Thos, Northampton, Beerseller. Pet Aug 21. Dennis, Northampton, Sept 7 at 10. White, Northampton.
 Steele, Geo, Birkenhead, Chester, Greengrocer. Pet Aug 21. Wason, Birkenhead, Sept 4 at 10. Anderson, Northampton.
 Stirsman, John, Morpeth, Northumberland, Watchmaker. Pet Aug 18. Brymwell, Morpeth, Sept 9 at 10. Wilkinson, Morpeth.
 Thomas, Thos, Ponyswall, Glamorgan, Licensed Victualler. Pet Aug 20. Wilde, Bristol, Sept 3 at 11. Thomas, Pontypridd.
 Thomas, Joshua Heneage, Middleborough, York, Innkeeper. Pet Aug 21. Leads, Sept 5 at 11. Gawan, Middleborough.
 Townsend, John, Frockleton, Lancashire, Farmer. Pet Aug 20. Lpool, Sept 4 at 12. Steele & Jameson, Lpool.
 Warr, Geo, Ross, Hereford, Lessee of Turnpike Tolls. Adj Aug 15. Collins, Ross, Aug 31 at 11. Williams, Ross.
 White, Geo, Hy, Southampton, Merchant's Clerk. Pet Aug 20. Thorndike, Southampton, Sept 9 at 12. Mackey.
 Whithy, Wm, Nottingham, Cattle Dealer. Pet Aug 19. Patchett, Nottingham, Oct 9 at 11. Balk, Nottingham.
 Williams, Thos, Prisoner for Debt, Stafford. Adj July 2. Walker, Dudley, Sept 5 at 13.
 Wilson, John, Penryn, Cornwall, Gardener. Pet Aug 19. Tilly, Falmouth, Sept 7 at 12. Tremewen, Falmouth.
 Woodward, Thos, Birkenhead, Chester, Boot Maker. Pet June 21. Wason, Birkenhead, Sept 4 at 30. Kent, Lpool.
 Young, Wm, March, Stay & Silk Manufacturer. Pet Aug 19. Murray, March, Sept 3 at 11. Heath & Son, March.

TUESDAY, Aug. 27, 1867.

To Surrender in London.

Andrews, Jas, Eichd, Lower Shawell, Licensed Victualler. Pet Aug 23. Roche, Sept 10 at 1. De Medina, Primrose-st, Bishopsgate-st.
 Anstee, Joseph, Barnet-common, Herts, Bricklayer. Pet Aug 23. Roche, Sept 10 at 1. Lomas, Old Bond-st.
 Ball, Gee Yeather, Spencer-st, Goswell-rd, Comm Agent. Pet Aug 23. Roche, Sept 10 at 1. Doble, Basinghall-st.
 Blythe, Fredk Edmund, Ashburnham-grove, Greenwich, Comm Agent. Pet Aug 23. Roche, Sept 10 at 12. Pitman, Guildhall-chambers, Basinghall-st.
 Butler, Thos, Dyson, Prisoner for Debt, London. Pet Aug 21 (for pau). Murray, Sept 10 at 12. Doble, Basinghall-st.
 Cantoni, Joseph, Prisoner for Debt, London. Pet Aug 21 (for pau). Murray, Sept 10 at 11. Pamphilon, Beaufort-bdg, Strand.
 Coombs, Edmund, Prisoner for Debt, London. Adj Aug 19. Roche, Sept 13 at 11.
 Curle, Jas, Fredk, Prisoner for Debt, London. Pet Aug 23 (for pau). Roche, Sept 13 at 1. Ody, Trinity-st, Southwark.
 Dallison, Jas, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 11.
 Dodge, John, Little Portland-st, Marylebone, Coach Trimmer. Pet Aug 23. Murray, Sept 10 at 12. Soarth, Welbeck-st, Cavendish-sq.
 Elliott, Wm John, Cambridge-ter, Union-rd, Battersea, Builder. Pet Aug 23. Murray, Sept 10 at 11. Chidley, Old Jewry.
 Ferris, Eichd, Blenheim-passage, Abby-rd, St John's-Wood, Plumber. Pet Aug 23. Murray, Sept 10 at 12. Olive, Portsmouth-st, Lincoln's-inn-fields.
 Harris, Sidney, Sun, Upper-st, Islington, Auctioneer. Adj Aug 18. Roche, Sept 12 at 11.
 Hobson, Jas, Henry's-pl, Cherry Orchard-rd, East Croydon, Plumber. Pet Aug 24. Roche, Sept 11 at 11. Ricketts, Frederick-pl, Gray's-inn-rd.
 Hubbard, Horatio, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 13 at 11.
 Ingraham, Wm, Frederic, Eastry, Kent, Grocer. Pet Aug 22. Murray, Sept 10 at 11. Treherne & Wolstan, Aldermanbury.
 Jackson, Frederic, Cabinet Manufacturer. Adj Aug 19. Roche. Sept 12 at 11.
 Joyce, Julius, Carpenter. Prisoner for Debt, London. Adj Aug 10. Roche. Sept 13 at 12.
 Lee, Gee Heathcote, Provision Merchant. Adj Aug 19. Roche. Sept 12 at 12.
 Lyons, Jude, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 12.
 Myers, Wm, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 12.
 Nash, Mary Ann, Prisoner for Debt, London. Pet Aug 21 (for pau). Pepys, Sept 10 at 11. Doble, Basinghall-st.
 Newman, Thos, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 12.
 North, Joseph, Neville-ter, Hornsey-rd, Grocer. Pet Aug 24. Roche. Sept 10 at 11. Mathews & Co, Leadenhall-st.
 Oxenbary, Theophilus, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 13 at 12.
 Page, Philip, Norris, Prisoner for Debt, London. Pet Aug 21. Pepys. Sept 12 at 11. Doble, Basinghall-st.
 Pinchback, Hy Jeremiah, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 13 at 12.
 Sed, Richd, jun, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 11.
 Siecienski, Chas Ladislas, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 1.
 Smith, Chas, Blue Anchor-road, Bermondsey. Pet July 26. Pepys. Sept 11 at 11. Miller & Miller, Sherborne-lane.
 Steele, John, High-st, Poplar, Retailer of Beer. Pet Aug 22. Murray, Sept 10 at 12. Hope, Ely-pl, Holborn.
 Summer, Wm, Park-rd, Peckham, out of business. Pet Aug 23. Roche. Sept 12 at 1.
 Walter, Geo Chas, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 1.
 Willard, Stephen Howland, Prisoner for Debt, Lewes. Adj Aug 21. Roche. Sept 12 at 1.
 Woodland, Jas, New Church-st, Edgware-rd, Chessemonger. Pet Aug 22. Roche. Sept 10 at 1. Hope, Ely-pl, Holborn.
 Yell, Mary, Prisoner for Debt, London. Adj Aug 19. Roche. Sept 12 at 1.

To Surrender in the Country.

Barrett, Barnabus, Norwich, Sculptor. Pet Aug 20. Palmer, Norwich, Sept 9 at 11. Page, Norwich.
 Baguley, Thos, Manch, Machine Maker. Pet Aug 23. Murray, Manch, Sept 16 at 11. Corbett & Wheeler, Manch.
 Bearpark, Chas, Prisoner for Debt, Kingston-upon-Hull. Adj Aug 14. Phillips, Kingston-upon-Hull, Sept 25 at 11.
 Bell, Isaac, Leeds, Butcher. Pet Aug 14. Leeds, Sept 12 at 11. Simpson, Leeds.
 Bird, Hy, Lpool, Licensed Victualler. Pet Aug 21. Hime, Lpool, Sept 11 at 3. Thornley, Lpool.
 Booker, Joseph, Sheffield, Spring Knife Manufacturer. Pet Aug 23. Wake, Sheffield, Sept 7 at 1. Dyson, Sheffield.
 Broughton, Richd, Middleborough, York, Furniture Broker. Pet Aug 19. Crosby, Stockton-on-Tees, Sept 4 at 11. Dobson, Middleborough.
 Brown, Jonathan Wilks, Scarborough, York, Hotel-Keeper. Pet Aug 26. Leeds, Sept 12 at 11. Moody & Co, Scarborough.
 Cooper, Sandford Albion, Stafford, Irononger. Pet Aug 22. Hill, Birm, Sept 6 at 12. Brough, Stafford.
 Cope, Thos Heals, Prisoner for Debt, Warwick. Adj Aug 21. Hill, Birm, Sept 6 at 12. James & Griffin, Birm.
 Cunningham, Peter, Prisoner for Debt, Chester. Adj Aug 14. Cheshire, Northwich, Sept 11 at 10. Bent, Warrington.
 Davies, Chas, Congleton, Cheshire, Innkeeper. Pet Aug 21. Letham, Congleton, Sept 4 at 11. Washington, Congleton.
 Edmunds, Geo, Prisoner for Debt, Lancaster. Adj Aug 14. Lpool, Sept 6 at 11.
 Enoch, David John, South Stockton, York, Contractor. Pet Aug 17. Crosby, Stockton-on-Tees, Sept 4 at 11. Dobson, Middleborough.
 Harrison, David, Straiford Mortimer, Borks, Carpenter. Pet Aug 24. Collins, Reading, Sept 14 at 10. Smith, Reading.
 Hull, Wm, Berwick-upon-Tweed, Shipowner. Pet Aug 24. Gibson, Newcastle-upon-Tyne, Sept 17 at 12. Bousfield, Newcastle-upon-Tyne.
 Love, Jas, Burghfield Hatch, Borks, Blacksmith. Pet Aug 24. Collins, Reading, Sept 14 at 10. Smith, Reading.
 Moran, Frank Goodwin, Prisoner for Debt, Warwick. Adj Aug 21. Hill, Birm, Sept 6 at 12. James & Griffin, Birm.
 Mawdsley, Wm, Sudden Brown, nr Rochdale, Lancaster, Loom Jobber. Pet Aug 21. Grunby, Bury, Sept 8 at 9. Whishead, Rochdale.
 Morgans, John, Worcester, Carpenter. Pet Aug 24. Hill, Birm, Sept 13 at 12. Tree, Worcester.
 Paine, Wm, & Michael Paine, Stratford-upon-Avon, Warwick, News Agent. Pet Aug 22. Hobbes, Stratford-upon-Avon, Sept 17 at 11. Greaves, Stratford-upon-Avon.
 Partland, Jas, Gateshead, Durham, Builder. Pet Aug 22. Gibson, Newcastle-upon-Tyne, Sept 17 at 12. Harle & Co, Newcastle-upon-Tyne.
 Perry, Jas, Brierley-hill, Stafford, Pawnbroker. Pet Aug 22. Hill, Birm, Sept 6 at 12. Allen, Birm.
 Sarell, Francis, Exeter, Brewer. Pet Aug 23. Daw, Exeter, Sept 6 at 11. Campion, Exeter.
 Seagrave, Wm, Arundel, Sussex, Dealer in China. Pet Aug 21. Holmes, Arundel, Sept 12 at 11. Lamb, Brighton.
 Summers, Wm, Southampton, Carver. Pet Aug 23. Thorndike, Southampton, Sept 9 at 12. Mackey, Southampton.
 Temerton, Nathaniel, Ipswich, Suffolk, Baker. Pet Aug 21. Prestman, Ipswich, Sept 3 at 11. Jennings, Ipswich.
 Tierney, John, Lpool, Cattle Dealer. Pet Aug 24. Lpool, Sept 6 at 11. Husband, Lpool.
 Torbett, Jas Wm, York, Clerk. Pet Aug 21. Leeds, Sept 12 at 11. Dale, York.
 Turner, John, Alnwick, Northumberland, Agricultural Implement Manufacturer. Pet Aug 22. Wilson, Alnwick, Sept 6 at 11. Smith, Alnwick.
 Walters, Joseph, Alfreton, Derby, Auctioneer. Pet Aug 16. Hubberstey, Alfreton, Aug 29 at 1. Smith, Derby.
 Walton, Thos, Rothwell Haigh, nr Leeds, out of business. Pet Aug 23. Marshall, Leeds, Sept 26 at 12. Horpe, Leeds.
 Ward, Richd, Prisoner for Debt, Springfield. Adj Aug 18. Barnes, Colchester, Sept 12 at 9.
 Wilson, Wm, Gaitagill, Cumberland, Boot Maker. Pet Aug 17. Halton, Wm, Carlisle, Sept 11 at 11. Wannop, Carlisle.
 Wright, Wm, Birr, Provision Merchant. Pet Aug 21. Birr, Sept 6 at 12. Southall & Nelson, Birr.

BANKRUPTCIES ANNULLED.

FRIDAY, Aug. 23, 1867.

Cook, Richd Philip, jun, High-st, Southwark, Jeweller. Aug 20.

Steele, Geo, Birkenhead, Greengrocer. Aug 20.

TUESDAY, Aug. 27, 1867.

Nell, Robt, Hamilton-ter, St John's Wood, Law Student. Aug 20.

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